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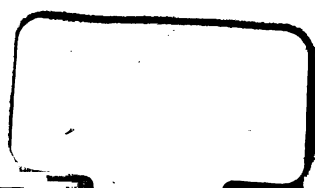
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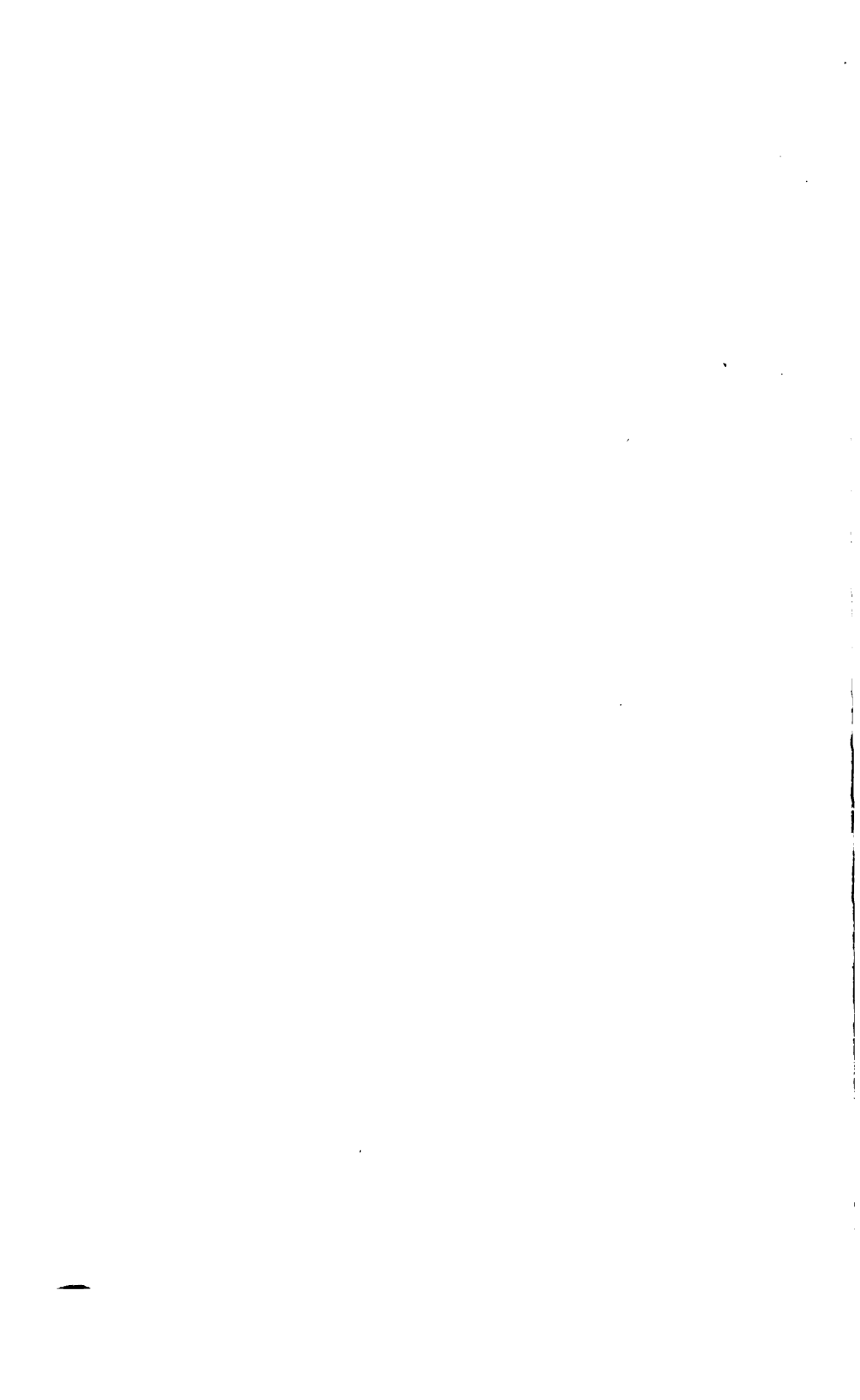
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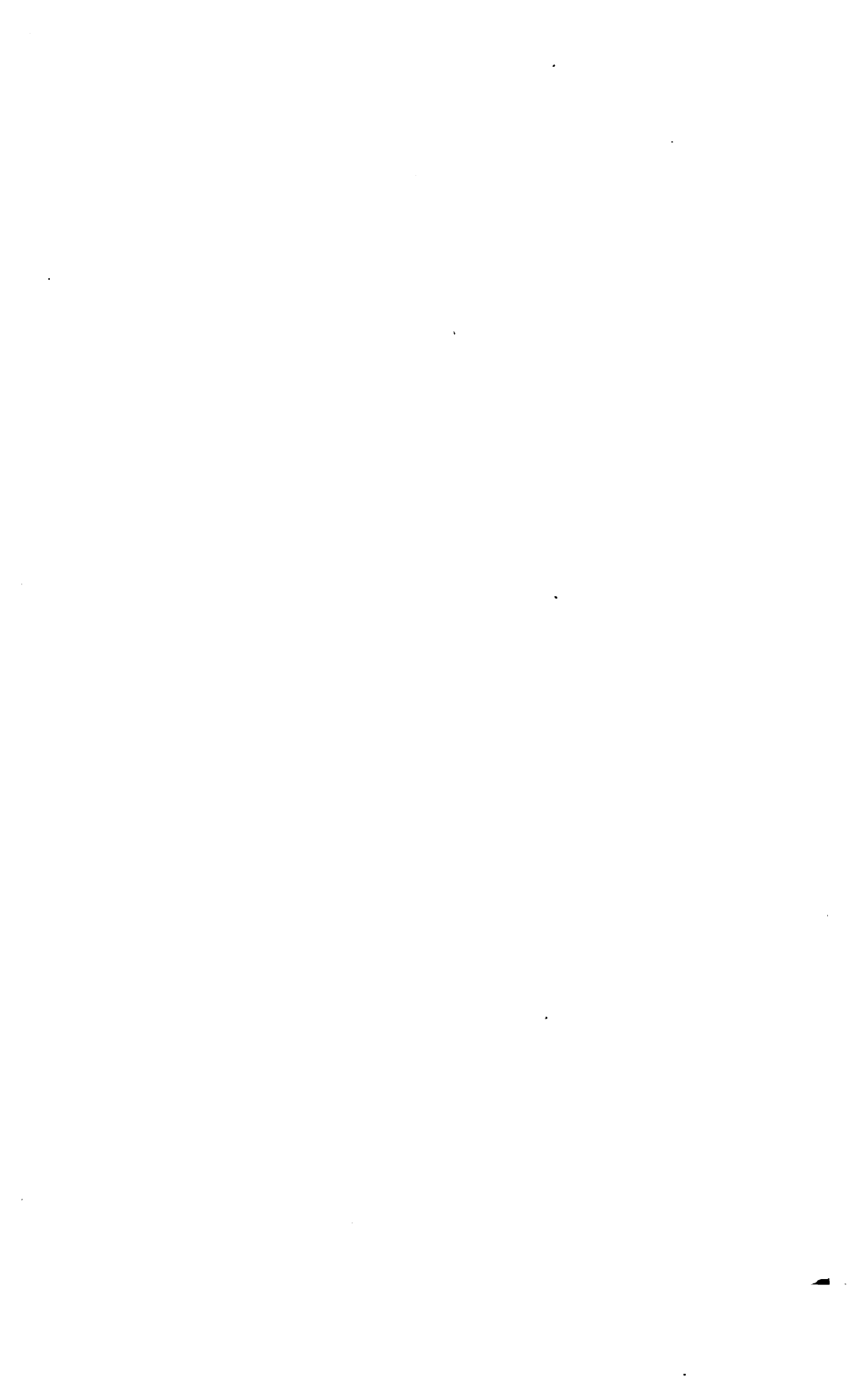
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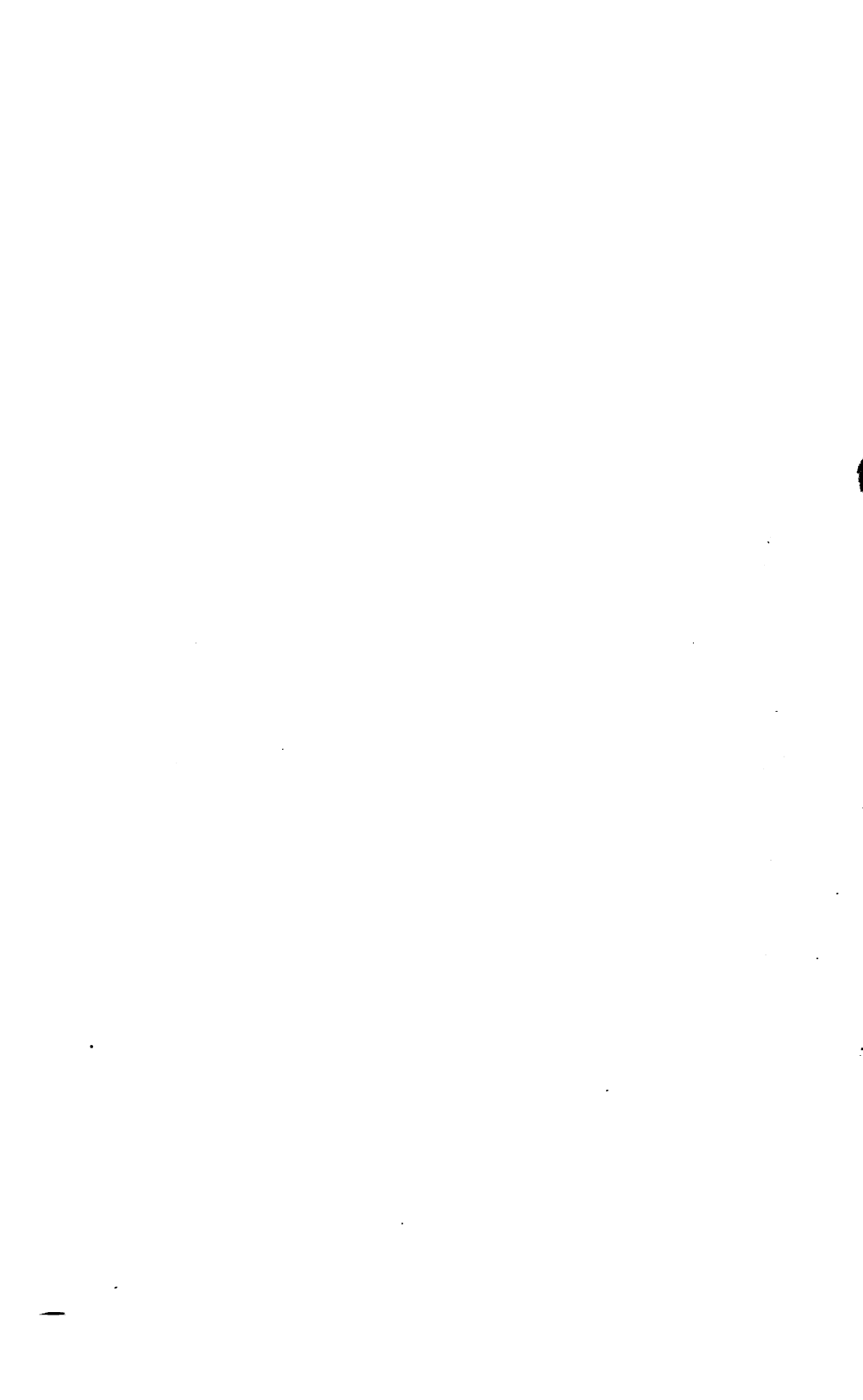
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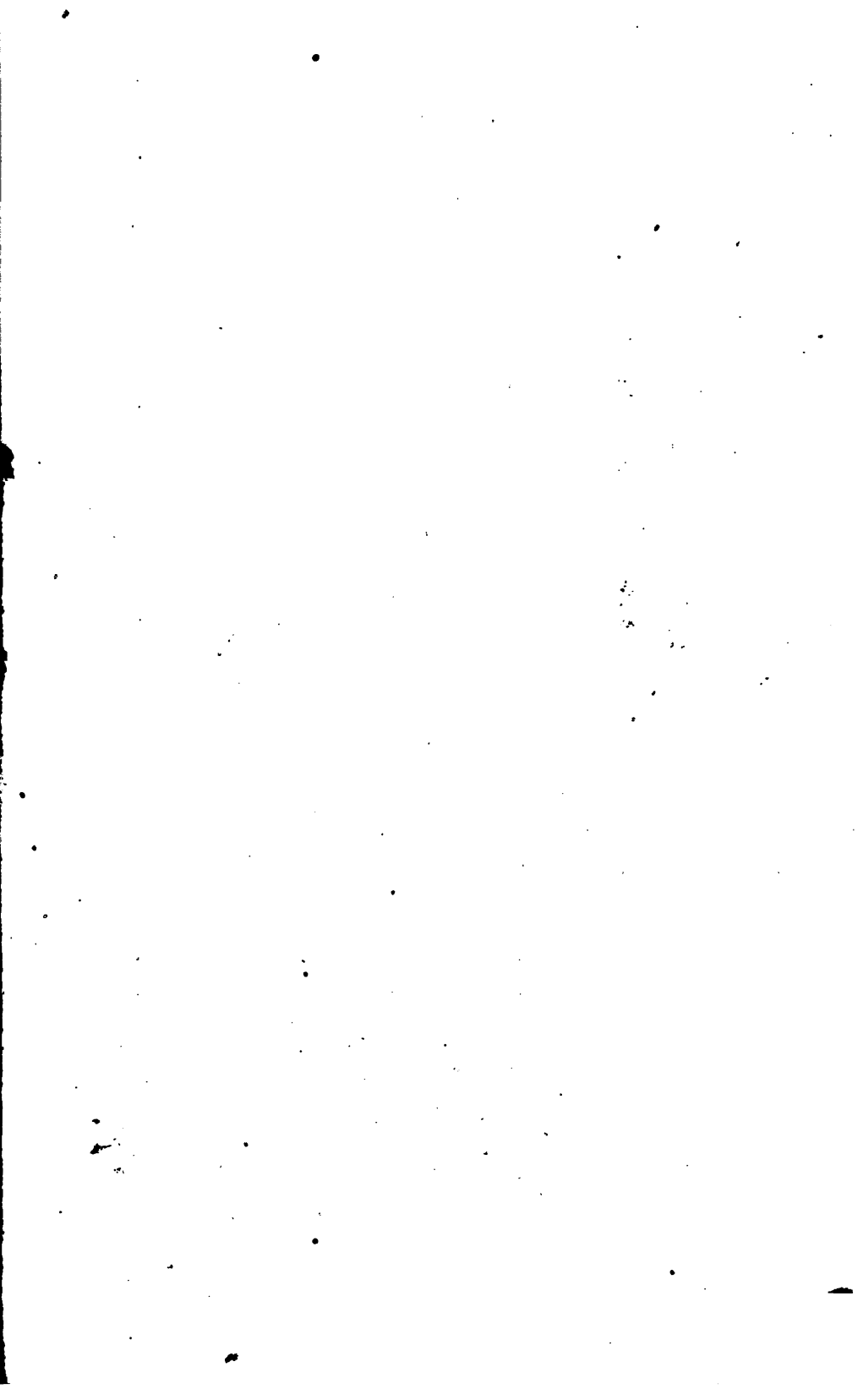


South Carolina Collection









ACTS AND JOINT RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA, *Laws,
Statutes, etc.*

PASSED AT THE

REGULAR SESSION OF 1870-'71.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY, AND DESIGNED TO
FORM A PART OF THE FOURTEENTH VOLUME OF THE STATUTES
AT LARGE, COMMENCING WITH THE ACTS OF 1868.

STATUTES OF SOUTH CAROLINA

COLUMBIA, S. C.:

REPUBLICAN PRINTING COMPANY.

1871.

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ACTS OF THE GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

Passed at the Regular Session, which was begun and held at the city of Columbia, on the fourth Tuesday in November, A. D. 1870, and was adjourned, without day, on the seventh day of March, A. D. 1871.

ROBERT K. SCOTT, Governor. ALONZO J. RANSIER, President of the Senate. FRANKLIN J. MOSES, JR., Speaker of the House of Representatives.

AN ACT TO EXTEND THE TIME FOR OFFICERS TO QUALIFY.

A. D. 1870.

No. 301.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all officers elected at the recent election be, and they are hereby, allowed until the fifteenth day of January, 1871, to qualify and enter upon the duties of their respective offices, and on failure to qualify within the specified time their respective offices shall be declared vacant by the Governor.

Time extended to January 15, 1870.

SEC. 2. That all Acts and parts of Acts inconsistent with this Act are hereby suspended until after the fifteenth of January next.

Repealing clause.

Approved December 21, 1870.

AN ACT TO VEST THE TITLE OF THE STATE TO A LOT OF LAND IN THE VILLAGE OF ORANGEBURG, OF WHICH DIEDRICH KLEPPING DIED SEIZED, IN THE PURCHASER OR PURCHASERS WHO SHALL PAY FOR THE PREMISES, UNDER A SALE BY A DECREE OF THE PROBATE COURT OF CHARLESTON COUNTY, AND TO DIRECT THE APPLICATION OF THE PROCEEDS OF SALE.

No. 302.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the title of the State to a lot of land, and the buildings thereon, of which Diedrich Klepping died seized, situate on Main or Russell street, in the village and County of Orangeburg, is hereby vested in Alexander Champey and Antoine R. Champey, their heirs and assigns, forever, upon their paying to the Judge of Probate for Charleston County the amount of their bid, and fully complying

Location of lot.
Title—in whom vested.

A. D. 1870.

Re-sale.

with the terms of sale of said premises, made 4th April, 1870; and if they fail to comply, said title is hereby vested in any purchaser or purchasers, his, her or their heirs and assigns, forever, who shall buy the premises on a re-sale.

SEC 2. The proceeds of the sale shall be applied by the Judge of Probate in the following order:

Application
and disposi-
tion of pro-
ceeds.

1. To the payment of any taxes due on the premises.
2. To the payment of the necessary expenses incurred in applying for this Act.
3. To the expenses of administration, including commissions due the administrator of the estate of D. Klepping.
4. To the payment of such debts of the said Diedrich Klepping as are yet unpaid.
5. And the balance, if any, to Mrs. Mette Ahlheid Meuller, mother of the said Diedrich Klepping, or to her order.

Approved December 23, 1870.

No 303.

AN ACT TO MAKE APPROPRIATIONS FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF MEMBERS OF THE GENERAL ASSEMBLY, AND THE SALARIES OF THE SUBORDINATE OFFICERS, AND OTHER EXPENSES INCIDENTAL THERETO.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the payment of the per diem and mileage of the members of the General Assembly, and the salaries of the subordinate officers, and other expenses incidental thereto, the sum of one hundred and thirty-five thousand dollars, if such be necessary, be, and the same is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated.

Amount ap-
propriated.

Certificates
for pay—how
issued for
members.

SEC. 2. That the Clerks of the Senate and House of Representatives be, and they are hereby, authorized and directed to furnish to each member of their respective bodies a pay certificate for the amount of his mileage and per diem, to include such dates as the General Assembly shall, by concurrent resolution, direct.

SEC. 3. That such certificates shall conform to the provisions of Section 23, Article II, of the Constitution of the State, and shall be certified by the President of the Senate, and attested by the Clerk of the Senate, for all members of that body, and by the Speaker of the House of Representatives, and by the Clerk of the same, for all members of that body.

Pay of sub-
ordinate—
certificate for

SEC. 4. That the subordinate officers and employees of this General Assembly shall, in like manner, be furnished with certificates of pay in such amounts as shall be fixed by that branch of the General Assembly to which such officers and employees shall respectively belong: Provided, however, That the pay certificates for services common to the two Houses shall be signed by the President of the Senate, and countersigned by the Speaker of the House of Representatives.

Treasurer
authorized to
pay.

SEC. 5. That the Treasurer of this State is hereby authorized and directed to pay said certificates out of any funds in the Treasury not otherwise disposed of, and to hold the certificates as his vouchers therefor.

Approved December 23, 1870.

AN ACT TO PROVIDE A SALARY FOR THE OFFICE OF LIEUTENANT-GOVERNOR OF THE STATE.

A. D. 1871.

No. 304.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Lieutenant-Governor of the State of South Carolina shall receive an annual salary of twenty-five hundred dollars, the same to be paid to him quarterly out of the Treasury of the State, the said salary to be exclusive of the pay heretofore provided by law for the Lieutenant-Governor whilst acting as President of the Senate.

\$2,500 to be salary.

Proviso.

OFFICE SECRETARY OF STATE,
COLUMBIA, S. C., January 18, 1871.

This Act having been presented to the Governor for his approval, and not having been returned by him to the branch of the General Assembly in which it originated within the time prescribed by the Constitution, has become a law without his approval.

(Signed)

F. L. CARDOZO,
Secretary of State.

AN ACT TO INCORPORATE THE HEDGES LIGHT GUARD, OF EDISTO, SOUTH CAROLINA. No. 305.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That P. P. Hedges, Abram Brown, Jonas Grant, Wallace Wescott and James Hutchinson, under the name and style of the Hedges Light Guard, and their successors and associates, be, and they are, respectively, incorporated and made and declared a body politic and corporate, in deed and in law, and as such body politic shall have the power to use and keep a common seal, and the same at will to alter, to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members conformable to such by-laws; to sue and be sued, plead and be impleaded, in any Court of law or equity in this State; and to have, use and enjoy all other rights, and be subject to all other liabilities incident to bodies corporate.

Names of members.

Powers and privileges.

SEC. 2. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the space of fourteen years on, from and after its passage.

Approved January 23, 1871.

A. D. 1871.

No. 306.

AN ACT TO PROVIDE FOR THE PUBLICATION OF THE ACTS, REPORTS, RESOLUTIONS, JOURNALS AND OTHER PAPERS OF THE GENERAL ASSEMBLY.

Clerks of Senate and House to provide for publication by contract.

Contract to be approved by General Assembly.

To provide for binding of Laws, Journals, &c.

Journals and other documents to be forwarded to members of General Assembly.

Treasurer authorized to pay accounts. Proviso.

Repealing clause.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Clerk of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized to provide, by contract, for the publication, in such newspapers of the State as may by them be deemed necessary, of the Acts and Joint Resolutions of the General Assembly; and they are further authorized to provide, by contract, for the permanent and current printing of the General Assembly: Provided, That said contract be approved by the Senate and House of Representatives.

SEC. 2. That a sufficient number of the Journals, Reports and Acts of the General Assembly as may be necessary for the use of the members of the General Assembly, and for the State Librarian, to make the exchanges with other States, be bound in a good and substantial manner; and that the Clerk of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized to have the same done immediately upon the close of the session, or as soon thereafter as practicable.

SEC. 3. That on the completion of the permanent work they shall forward by mail, or otherwise, as they may deem expedient, a copy to each of the members of the General Assembly, and one to each of the State and County officers entitled to the same.

SEC. 4. That the State Treasurer be, and he is hereby, authorized and directed to pay all accounts for said work, out of any moneys in the Treasury not otherwise appropriated: Provided, The Clerks of the respective Houses shall first certify that said accounts are just and correct in all respects, and that the work has been performed in pursuance of contract; and that the amount mentioned in said accounts is due, and remains unpaid.

SEC. 5. That all Acts or parts of Acts or Joint Resolutions, inconsistent with this Act, are hereby repealed.

Approved January 23, 1871.

No. 307. AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO AUTHORIZE ADMINISTRATORS, EXECUTORS, AND OTHER FIDUCIARIES, TO SELL CERTAIN EVIDENCES OF INDEBTEDNESS AT PUBLIC SALE, AND COMPROMISE IN CERTAIN CASES," APPROVED JANUARY 14, 1870.

Preamble.

Whereas, prior to the ninth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, many estates were disposed of, and the notes and accounts representing the purchase money of the same were deemed to be good at the time, have since been rendered doubtful, or worthless, by operation of the Act of the General Assembly to determine and perpetuate the homestead, and by other causes; therefore,

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all administrators, executors, and

other fiduciaries, having in their possession as such, notes, accounts, and other evidences of indebtedness, heretofore appraised good, but which have since become doubtful or worthless, by operation of the Act of the General Assembly to determine and perpetuate the homestead, shall be allowed to dispose of the same in the manner prescribed in Sections 1 and 2 of the Act to which this is a supplement.

A. D. 1871.

SEC. 2. That where administrators, executors, and other fiduciaries, sold property as such prior to the passage of the Act to determine and perpetuate the homestead, by the General Assembly, on the ninth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, and took notes, or other evidences of indebtedness, for the purchase money, which were regarded good at the time they were taken, but which have since been rendered doubtful or worthless, by operation of the homestead Act aforesaid, said administrators, executors, and other fiduciaries, shall be allowed to dispose of the same in the manner prescribed in Sections 1 and 2 of the Act to which this Act is a supplement.

Executors
may dispose
of certain
property—
now.

Approved January 23, 1871.

AN ACT TO RECHARTER THE PUMPKINTOWN TURNPIKE ROAD, IN PICKENS COUNTY. No. 308.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Turnpike Road leading from Pumpkintown to Table Rock, in Pickens County, be, and the same is hereby, rechartered in the name of Marcus D. Keith, for the term of four-teen years, with the same rates of toll as those heretofore allowed by law.

Rechartered
in the name
of Marcus D.
Keith.

SEC. 2. That all persons going to and returning from elections, churches and mills, shall be allowed to pass over the said road free of toll.

Who shall be
allowed free
passage.

Approved January 23, 1871.

AN ACT TO INCORPORATE THE STONEWALL FIRE ENGINE COMPANY, OF CHESTER. No. 309.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That T. S. Mills, R. M. Dunlevy, E. T. Atkinson, J. T. Elliott, David Hemphill, J. H. Vanness and J. A. Bradley, Jr., by the name and style of the Stonewall Fire Engine Company, of the town of Chester, and their associates and successors in office, be, and are hereby, created and constituted a body corporate and politic, by and under the name and style aforesaid, with a capital stock not to exceed the sum of ten thousand dollars, with the right to sue and be sued, plead and be impleaded in any Court of competent jurisdiction; to

Names of
persons incor-
porated.

Capital stock.

A. D. 1871.
 Powers and
 privileges.

have and to use a common seal, and the same to alter at will and pleasure; and, with all other rights, privileges and immunities that are now or hereafter may be secured by law to like incorporated bodies.

SEC. 2. That this Act shall be deemed a public Act, and shall remain in force for the term of fourteen years.

Approved January 23, 1871.

No. 310. AN ACT TO INCORPORATE THE NASHVILLE INDEPENDENT BLUES CHARITABLE ASSOCIATION, OF THE CITY OF CHARLESTON, SOUTH CAROLINA.

Persons in-
 corporated.

Powers and
 privileges.

May hold
 property.

Proviso.

Common seal.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That I. S. Lazarus, F. E. Raines, I. S. Goldsmith, T. J. Ford, and others, who now are, or hereafter may be, members and officers of the Nashville Independent Blues Charitable Association, and their successors, officers and members, be, and they are hereby, declared to be a body corporate and politic, under the name and style of "The Nashville Independent Blues Charitable Association;" and the said corporation shall, by its corporate name, sue and be sued, implead and be impleaded, in the Courts of this State, and shall be able and empowered by law to purchase, have, hold, enjoy and possess any goods, chattels, lands, tenements, or real estate, of what kind or nature soever, and the same, or any part thereof, to sell, alien or convey at their will and pleasure: Provided, however, That the property so to be held shall not exceed the value of five thousand dollars; and the said corporation shall have power to make a common seal, with power to change and alter the same as often as they shall deem necessary.

SEC. 2. *And be it further enacted*, That this Act shall be deemed a public Act, and shall continue in force for the term of fourteen years.

Approved February 11, 1871.

No. 311. AN ACT TO REGULATE THE RIGHT OF TRAVERSE.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a traverse of an indictment shall not, in any Court of criminal jurisdiction in this State, of itself, operate to continue the case.

Approved February 11, 1871.

No. 312. AN ACT TO INCORPORATE THE CHARLESTON CLEANSING COMPANY, OF THE CITY OF CHARLESTON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the incorporation of a Company,

to be known as the Charleston Cleansing Company, to be located in the city of Charleston, be, and the same is hereby, authorized. Said Company shall consist of Jacob Royall, Samuel Marion, Ben. Jenkins, Francis Mazyck, Jack Middleton, Thomas Gauff, Edward Jackson and Friday Addison, and such other persons as may hereafter associate with them.

A. D. 1871.

Persons incorporated.

SEC. 2. That the said Company shall have succession of officers and members, according to its by-laws, shall have power to make by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, to alter the same at will, and to sue and be sued, plead and be impleaded, in any Court in this State.

Powers and privileges.

SEC. 3. That the said Company shall be empowered to retain, possess and enjoy all such property, real and personal, as it may possess, be entitled to, or which shall hereafter be given, bequeathed to, or in any manner be acquired by it, and to sell, alien or transfer the same.

Power to hold and dispose of property.

SEC. 4. That this Act shall be a public Act, and to continue in force for the term of ten years from the date of its ratification.

Approved February 11, 1871.

AN ACT TO RE-CHARTER MOORE'S FERRY, UNDER THE NAME OF DINKINS' FERRY, OVER THE CATAWBA RIVER

No. 313.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Ferry over the Catawba River known as Moore's Ferry, be, and the same is hereby, re-chartered under the name of Dinkins' Ferry, and vested in L. M. Dinkins and his legal representatives, for the term of fourteen years from the passage of this Act, with the same privileges, rights, franchises and emoluments as are at present secured by law: Provided, however, That children going to and returning from school, and others going to and returning from church, or from elections, shall be passed free over said Ferry.

Rechartering and vesting Ferry in L. M. Dinkins for 14 years.

Proviso.

Approved February 11, 1871.

AN ACT CEDING THE JURISDICTION OF THE STATE OF SOUTH CAROLINA TO THE UNITED STATES OF AMERICA, OVER SUCH LANDS AS MAY BE ACQUIRED FOR PUBLIC PURPOSES BY THE SAID UNITED STATES OF AMERICA.

No. 314.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the jurisdiction of the State of South Carolina is hereby ceded to the United States of America, over so much land as shall be necessary for the public purposes of the United States: Provided, That the jurisdiction hereby ceded shall not vest until the United States of America shall have acquired the title to the lands by grant or deed from the owner or owners thereof, and the evidences thereof shall have been recorded in the office where, by law, the title to

Jurisdiction ceded.

Proviso.

A. D. 1871.

Lands and
tenements so
ceded exempt
from taxation

such land is recorded ; and the United States of America are to retain such jurisdiction so long as such lands shall be used for the purposes in this Act mentioned, and no longer ; and such jurisdiction is granted upon the express condition that the State of South Carolina shall retain a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of South Carolina against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been hereby ceded.

SEC. 2. That all the lands and tenements which may be granted, as aforesaid, to the United States, shall be and continue, so long as the same shall be used for the purposes in this Act mentioned, exonerated and discharged from all taxes, assessments and other charges which may be imposed under the authority of the State of South Carolina.

Approved February 11, 1871.

No. 315. AN ACT TO INCORPORATE THE SOUTH CAROLINA SAVING AND BUILDING ASSOCIATION, No. 2.

Persons in-
corporated.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That C. D. Brahe, C. Plenge, J. Steiber, R. Issertel, Henry E. Eckel, M. Israel, A. Tiefenthal, E. F. Benedickt, Philip Meitzler, John Rugheimer, A. W. Eckel, Charles Litschgi, A. Niemann, Edward Pills, L. Klein, A. Litschgi, John M. Martin, J. H. Vollers, Charles Roessler, F. Heintz and C. O. Michaelis, together with such other persons who now are, or hereafter may be, associated with them, be, and they are hereby, incorporated and declared a body politic and corporate, under the name and style of the South Carolina Saving and Building Association, No. 2, for the purpose of buying and selling real and personal estate, and making loans of money, secured by mortgage of real and personal property.

Name and
purpose of in-
corporation.

Capital Stock.

SEC. 2. That the capital stock of the said corporation shall consist of thirty shares, to be paid in by successive weekly installments of two dollars on each share, so long as the corporation shall continue, or by such other contributions as shall be assessed and required by an unanimous vote of all the shareholders, the said shares to be held, transferred, assigned and pledged, and also to be liable to be forfeited to the corporation, and the holders thereof to be subject to such fines and forfeitures for violation of the Constitution, rules and by-laws, and for default of payment of the said contribution, as may be prescribed by the Constitution, rules and by-laws of the said corporation ; and, moreover, the said shares to be disposed of at the death, resignation or removal from the State of any shareholder, in such manner as may be prescribed by the said constitution, rules and by-laws.

Shares trans-
ferable.Shares—how
disposed of in
case of death.Number and
succession of
officers.

SEC. 3. That the said corporation shall have such number and succession of officers and members as shall be ordained and chosen according to the constitution, rules and by-laws made, or to be made, by the said

corporation for its government, and shall have power and authority to make any such constitution, rules or by-laws as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies.

A. D. 1871.

Power to make by-laws, &c.

SEC. 4. That the funds of the said corporation may be invested in such property, real or personal, and securities, public or private, and loaned to shareholders and members or other persons or corporations on such securities, in such mode, on such terms, and such conditions, and subject to such regulations, as may be, from time to time, prescribed by the constitution, rules and by-laws of said corporation, and that it shall and may be lawful for the said corporation to take and hold such lands, tenements and hereditaments, and personal property, bonds, stocks, public or private, and choses in action, as they shall acquire by purchase, devise, bequests, gifts, assignments or otherwise, and to take and hold such lands, tenements, hereditaments and personal property, and such stocks and bonds, public or private, or choses in action, as shall be mortgaged, conveyed, assigned or pledged to it by way of security upon its loans or advances or purchase at sales thereof, and to sell, alien, transfer or otherwise dispose of the same, from time to time, as the said corporation may deem expedient.

May hold property.

Kind and nature of property.

SEC. 5. That immediately after the expiration of ten years from the present time, the assets of the corporation shall be fairly and justly divided among the stockholders and members thereof, and upon the distribution and division, then this corporation shall cease and determine.

Division of assets and dissolution of corporation.

SEC. 6. That this Act shall be taken and deemed a public Act, and that the same may be given in evidence, without being specially pleaded.

Approved February 11, 1871.

AN ACT TO RENEW AND EXTEND AN ACT TO PROVIDE A MODE BY WHICH TO PERPETUATE TESTIMONY IN RELATION TO DEEDS, WILLS, CHOSSES IN ACTION, AND OTHER PAPERS AND RECORDS DESTROYED OR LOST DURING THE RECENT WAR.

No. 316.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to provide a mode by which to perpetuate testimony in relation to Deeds, Wills, Choses in Action, and other papers and records destroyed or lost during the recent war," approved on the 21st day of December, in the year of our Lord one thousand eight hundred and sixty-five, be, and the same is hereby, renewed, and shall extend and continue in force for the term of five years, from the ratification of this Act.

SEC. 2. That said Act be further amended, so as to dispense with the personal service of any notice required under the provisions of said Act, and in all cases in which such notice shall be left at the usual place of residence or business of the defendant, the same shall be valid in law, to all intents and purposes, as if served upon the person of such defendant.

Approved February 11, 1871.

A.D. 1871.

AN ACT TO REGULATE THE APPOINTMENT, JURISDICTION AND DUTIES OF NOTARIES PUBLIC.

No. 317.

Governor to appoint.

Extent of jurisdiction.

Oath.

Seal of office.

Powers and privileges.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor be authorized to appoint as many Notaries Public throughout the State as the public good shall require, to hold their offices during the pleasure of the Governor, and whose jurisdiction shall extend throughout the State.

SEC. 2. That every Notary Public shall take the oath of office prescribed by the Constitution, a certified copy of which oath shall be recorded in the office of the Secretary of State.

SEC. 3. That every Notary Public shall have a seal of office, which shall be affixed to his instruments of publication, and to his protestations; but the absence of such seal shall not render his acts invalid, provided his official title be affixed.

SEC. 4. That Notaries Public shall have power to administer oaths, take depositions and affidavits, protest for non-payment bonds, notes, drafts and bills of exchange, take acknowledgments and proofs of deeds, and other instruments required by law to be acknowledged, and take renunciations of dower and inheritance.

Approved February 11, 1871.

No. 318. AN ACT TO REPEAL SO MUCH OF AN ACT OF 1839 AS PROHIBITS THE CLERKS OF THE COURTS OF THE STATE FROM ACTING AS ATTORNEYS OR SOLICITORS IN THE COURTS OF THE STATE.

Repealing clause.

Clerks privileged to practice law outside of their respective Counties.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act of 1839 as prohibits the Clerks of the various Courts of this State from acting as Attorneys and Solicitors in the Courts of the State, be, and the same is hereby, repealed.

SEC. 2. That from and after the passage of this Act, the Clerks of the different Courts of this State shall have the privilege of acting as Attorneys and Solicitors in all the Courts in the State, except in the Courts of their respective Counties, provided such Clerks shall have complied with the requirements of an Act to regulate the admission of persons to practice as Attorneys, Solicitors and Counsellors in the Courts of this State, approved the 23d day of September, 1868.

Approved February 11, 1871.

No. 319. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A STATE ORPHAN ASYLUM."

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 6 of the Act to establish a State Or-

phan Asylum, passed January 19, 1869, be so amended as to give to the Trustees thereof the power to bind out orphan children resident therein: Provided, That said Trustees shall make it, in all cases, a condition that said children shall receive a good common school education, and that said Trustees shall exercise a supervisory control over such children during the continuance of their apprenticeship.

Approved February 11, 1871.

A. D. 1871.

Trustees—
power to bind
out orphans.

Orphans to
be educated.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF SPARTANBURG. No. 320.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all citizens of this State, having resided twelve months within the State, and sixty days in the town of Spartanburg, shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall be called and known by the name of Spartanburg, and its corporate limits shall extend one mile in each direction from the Court House in said town.

Limits of
town.

SEC. 2. That the said town shall be governed by an Intendant and six Wardens, who shall be citizens of the United States, and who shall have resided in this State twelve months, and shall have been residents of the said town sixty days immediately preceding their election, and who shall be elected on the second Monday in September of each year, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one years, citizens of the State, and who shall have resided within the State twelve months, and in the said town sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens, paupers and persons under disabilities for crime excepted.

Government
of said town.

Manner of
electing off-
icers.

Exception.

SEC. 3. The said election shall be held at some convenient public place in said town, from eight o'clock in the morning until four o'clock in the afternoon; and when the polls shall be closed, the Managers shall forthwith count the votes and declare the election, and give notice thereof, in writing, to the Intendant then being, who shall, within two days thereafter, give notice, or cause the same to be given, to the persons duly elected. The Intendant and Wardens, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of this State, and, also, the following oath, to-wit: "As Intendant (or Warden) of the town of Spartanburg, I will, equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Council the sum of twenty dollars for the use of the said town: Provided, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices; nor shall any other person be compelled to serve either as

Election—
when and
where to be
held.

Oath of office.

Proviso.

A. D. 1871.

Intendant or Warden more than one year in any term of three years. The Intendant and Wardens, for the time being, shall always appoint one or more Boards of Managers, three Managers for each Board, to conduct the election, who, before they open the polls, shall take an oath fairly and impartially to conduct the same.

Vacancies—
how filled.

SEC. 4. That in case a vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation, removal, or otherwise, an election shall be held to fill such vacancy, by order of the Intendant and Wardens, or a majority of the same, ten days' public notice being previously given; and in case of sickness or temporary absence of the Intendant, the Wardens forming the Council shall be empowered to elect one of their number to act as Intendant during the time.

Term of office and powers of officers.

SEC. 5. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the powers of Trial Justices, or Justices of the Peace, as the case may be, in this State, within the limits of the said town, except for the trial of civil cases. And the Intendant shall or may, as often as is necessary, summon the Wardens to meet in Council, any three of whom, with the Intendant, or any four of the Wardens, may constitute a quorum to transact business; and they shall be known as the Town Council of Spartanburg. And they and their successors in office, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances; may sue and be sued, plead and be impleaded, in any Court of justice in this State, and purchase, hold, possess and enjoy, to them and their successors, in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Town Council shall have authority to appoint, from time to time, as they may see fit, such and so many proper persons to act as Marshals or Constables of said town, as the said Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons so appointed shall, within the corporate limits of said town, have the power and privileges, and be subject to all the obligations, penalties and regulations provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Council. And the said Town Council shall have power to establish or authorize the establishment of a market house in said town; also to establish or authorize the establishment of a guard house, and to prescribe suitable rules and regulations for keeping and governing the same, and until the said guard house be established, they shall be authorized to use a room in the common jail of the County of Spartanburg for the confinement of all who may be subject to be committed for a violation of any ordinances, rules and regulations of said town; and the said Town Council, or the said Intendant and Wardens, in person, any one or more of them, may authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to the said guard house or jail of Spartanburg County, as the case may be, for a term not exceeding twenty-four hours, any person or persons, who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or any

May hold property.

Proviso.

Appointment of Constables.

Duties and liabilities of Constables.

Market house

Place of confinement.

Commitment—for what length of time.

conduct grossly indecent or dangerous to the citizens of said town, or any of them. And it shall be the duty of the Town Marshal or Constables to arrest and commit all such offenders when required so to do, and who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon the failure of said officers to perform such duty as required, they shall severally be subject to such fines and penalties as the Town Council may impose upon them. And all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided for the collection of fines imposed for the violation of ordinances, rules and regulations: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence which he, she or they may have committed. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules and regulations, by-laws and ordinances, respecting the streets, roads and the business thereof, as well as the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within said town. And the said Town Council may impose fines for offences against their by-laws, rules and regulations and ordinances, and appropriate the same to the public use of said town. And the said Town Council shall have the same power that Trial Justices or Justices of the Peace now have, or may hereafter have, to compel the attendance of witnesses, and requiring them to give evidence upon the trial before them of any person or persons, for a violation of any of their ordinances, by-laws, rules or regulations; but no fine above the sum of twenty-five dollars shall be collected by the said Council, except by suit in the proper Courts of justice in this State, and that no fine shall exceed the amount of fifty dollars; and, also, that nothing herein contained shall authorize the said Council to make any ordinance or by-law inconsistent with, or repugnant to, the laws of the State.

Sec. 6. That the said Intendant and Wardens, or a majority of them, shall have full power to abate and remove all nuisances in said town, and it shall be their duty to keep all roads, ways, bridges and streets within the corporate limits of the said town open and in good repair; and, for that purpose, they are invested with all the powers of County Commissioners or Commissioners of Roads, for and within the corporate limits of the said town; and they may lay out new streets, close up, widen, or otherwise alter those now in use; and shall have full power to classify and arrange the inhabitants or citizens of said town, liable to street, road, or other public duty therein, and to force the performance of such duty under such penalties as are now, or shall hereafter be, prescribed by law. And they shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as their ordinances or by-laws may establish, or their rules and regulations require, the moneys so received to be applied to the public use of the said town. And all persons refusing to labor, or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars for any one year, as the said Town Council may impose; and they shall have power to enforce the payment of such fine in the same manner as is now or

A. D. 1871.

Town Marshals—powers and duties.

Power to make rules and regulations.

Jurisdiction of the Town Council.

Police of the said town.

All persons liable to work on the public streets.

A. D. 1871.

may be hereafter provided for the collection of County taxes. And the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said town, as they may deem necessary, by the sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of the said town; and they shall keep in repair all such new streets, roads and ways as they may, from time to time, deem necessary for the improvement and convenience of said town: Provided, That no street, road or way shall be opened, without first having obtained the consent of the land-owner or owners thereof through whose premises any such new street, road or way may pass.

Proviso.

Sidewalks—
how made
and kept.

SEC. 7. The said Town Council shall have power and authority to require all persons owning a lot or lots in said town to close in, and to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any public street of said town, if, in the judgment of the Council, such sidewalk shall be necessary; the width thereof, and the manner of construction, to be designated and regulated by the said Town Council; and for the default or refusal, after reasonable notice, to make and keep in good repair such sidewalks, and to close in such lot or lots, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing; and the said Town Council are hereby empowered to sue for and recover the same, by action of debt, in any Court of competent jurisdiction: Provided, That such contract for making or repairing is let to the lowest bidder. The cemeteries and public graveyards are also placed under the jurisdiction of the said Town Council.

Council may
grant licenses

Proviso.

SEC. 8. The Intendant and Wardens of the said town, or a majority of them, shall have full power to grant or refuse licenses to keep taverns, or retail spirituous liquors within the corporate limits of the said town, upon such conditions, and under such circumstances as to them shall seem proper and right: Provided, That in no instance shall the price of a license to keep a tavern or to retail spirituous liquors be less than the amount established by the State; and all moneys paid for licenses and for fines and forfeitures shall be appropriated for the public uses of the said town: Provided, That the Intendant and Wardens duly elected shall not have power to grant any license to keep tavern or retail spirituous liquors to extend beyond the term for which they have been elected. They shall have power to regulate sales at auction within the corporate limits of the town, and to grant licenses to auctioneers, itinerant traders, to keepers of hotels, livery stables, billiard tables, ten-pin alleys, or other kinds of game of hazard, skill, or chance, on all drays, carts, wagons, carriages, omnibuses, buggies, horses, mares, or mules, kept for hire or used for public purposes in said town. And they shall have the full and only power to impose a tax on all shows or exhibitions for gain or reward within the corporate limits of said town. They shall have power to impose a tax not exceeding twenty cents on every hundred dollars of the value of all real and personal property lying within the corporate limits of the town, the real and personal property of churches and school and college associations excepted. That an ordinance declaring the rate of annual taxation upon property and other subjects of annual taxation for the year, shall be published at least three weeks during the month of January in

Shall have
power to im-
pose tax.

each year, except the first publication, which shall be immediately after this amended charter is accepted and adopted by the General Assembly of this State: Provided, That if, in the judgment of the said Town Council, any property, real or personal, shall be returned below its actual and true value, then, in such cases, reference shall be made to the books of the County Treasurer, and the last assessment of such property made by the County Assessors shall be taken as the value of the same; and that all persons liable to taxation under the same shall make oath of their taxable property within said town, and make payment of their taxes to the Clerk and Treasurer of the said corporation, or such other person as they may be ordered and required to do, during the succeeding month after publication; and upon failure to make such return and payment, as required, the parties so in default shall be subject to the penalties provided by law for failure to pay the general State and County tax, to be enforced by the orders of the Intendant and Wardens, or a majority of them, for the use of the said town, except that in such cases executions to enforce the payment of such taxes shall be issued under the seal of the corporation, and may be directed to the Town Marshal, or other person appointed by the said Town Council, to levy, collect and receive the same, with costs, as in such cases made and provided by law. And all property upon which such tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to all other debts, except debts due to the State, which shall be first paid. And that all other taxes imposed by the Intendant and Wardens, or a majority of them, shall be payable in advance by the parties liable for the same, and on failure of payment, their property shall be liable for the same, as in manner and form just before stated.

A. D. 1871.

Proviso.

Taxes—when payable.

SEC. 9. The Intendant and Wardens elect, together with Clerk and Treasurer, shall, during their term of office, be exempt from street and police duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors in office a full account of their receipts and expenditures during their term, which account shall be published in one or more papers of the town or County, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and other papers incident to their office to their successors; and on failure to do so, they shall be liable to be fined in a sum not exceeding five hundred dollars, to be collected by any proper action of the Town Council.

Town Council to make full returns of receipts and expenditures.

SEC. 10. That all ordinances heretofore passed by the Town Council of Spartanburg, in conformity with the authority granted by existing laws, shall be, and they are hereby, declared legal and valid.

SEC. 11. All Acts and parts of Acts heretofore passed in relation to the incorporation of the town of Spartanburg be, and the same are hereby, repealed.

Repealing clause.

SEC. 12. This Act shall be deemed a public Act, and continue in force for the term of twenty years, and until the end of the session of the Legislature thereafter.

Approved February 11, 1871.

A. D. 1871.

No. 321.

AN ACT TO INCORPORATE THE MOSES GUARDS, OF RIDGEWAY, IN FAIRFIELD COUNTY.

Capital stock.

Powers and privileges.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That S. M. Smart, Jack P. James, Wyat Boulware and Samuel Adams, and their successors in office, be, and are hereby, constituted a body corporate and politic, under the name and style of the Moses Guards, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now secured by law to like incorporated bodies.

SEC. 2. This Act shall be deemed a public Act, and shall remain in force for a term of fourteen years.

OFFICE SECRETARY OF STATE,
COLUMBIA, S. C. February 13, 1871.

The foregoing Act, having been presented to the Governor of this State for his approval, and not having been returned by him to the branch of the General Assembly in which it originated, within the time prescribed by the Constitution, has become a law without his approval.

(Signed)

F. L. CARDOZO,
Secretary of State.

No. 322. AN ACT TO INCORPORATE THE LOGAN FUSILEERS, OF THE PARISH OF ST. THOMAS AND ST. DENNIS, CHARLESTON COUNTY.

Name of corporation.

Corporate rights and privileges.

Investment of capital.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Aaron Logan, G. H. Allen, Benjamin Holmes, Warley Venning, Jonah Mitchell and Robert Nowell, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of "The Logan Fusileers."

SEC. 2. And said corporation shall have power to make by-laws, not repugnant to the laws of the land; and shall have succession of officers and members according to their elections; and to keep and use a common seal, the same to alter at will; to sue and be sued in any Court in this State; to have and enjoy every right, power and privilege incident to such corporations; and it is hereby empowered to acquire, retain and enjoy all such property, real and personal, as may be given or bequeathed to, or purchased by it; and to sell, convey or mortgage the same, or any part thereof, at will.

SEC. 3. That said corporation may, from time to time, invest their moneys, assets or any property which it may acquire, in such real and

personal property, bonds, stocks, or in sureties, in such sums, and on such terms and conditions as it may deem proper; and to execute bonds, &c., under its corporate seal: Provided, That the maximum value of all property held and owned by said corporation shall not exceed twenty-five thousand (25,000) dollars.

A. D. 1871.

Proviso.

SEC. 4. This Act to continue in force during fifteen years, and may be given in evidence without being specially pleaded.

OFFICE OF SECRETARY OF STATE.

COLUMBIA, S. C., February 13, 1871.

The foregoing Act, having been presented to the Governor of this State for his approval, and not having been returned by him to the branch of the General Assembly in which it originated within the time prescribed by the Constitution, has become a law without his approval.

(Signed)

F. L. CARDOZO,

Secretary of State.

AN ACT TO AMEND THE CHARTER OF THE COLUMBIA BUILDING AND LOAN ASSOCIATION.

No. 323.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to incorporate the Columbia Building and Loan Association," approved on the first day of March, in the year of our Lord one thousand eight hundred and sixty-nine, be, and the same is hereby, so altered and amended that the said Columbia Building and Loan Association may have power to take, purchase and hold real estate, and to sell and transfer the same, from time to time, to its members, on such terms and under such conditions, and subject to such regulations, as may be prescribed by the rules and by-laws of the said corporation: Provided, That the real estate held by said corporation shall not at any time exceed the value of two hundred thousand dollars.

May buy and sell real estate.

Capital stock.

Approved February 27, 1871.

AN ACT TO PROTECT THE RIGHTS OF PARENTS, AND TO PREVENT THE PROCURING AND CARRYING FROM THE STATE PERSONS UNDER THE AGE OF TWENTY-ONE YEARS.

No. 324.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That if any person shall hire or employ any minor, or person under the age of twenty-one years, without

A. D. 1871.

Persons carrying away minors—how punished.

the knowledge and consent of the parents or guardian of such minor, such person shall pay to the said parents or guardian the full value of the labor of said minor from and after notice from the parents or guardian that payment for such service shall be made to him or them, as the case may be, or be imprisoned in the County jail for a period of six months.

SEC. 2. That if any person shall procure and carry without the limits of the State any minor or person under the age of twenty-one years, without the consent of the parents or guardian of such minor, such person shall, upon conviction thereof, be fined in a sum not less than one hundred, nor more than five hundred dollars, or be imprisoned in the Penitentiary of the State for a period of not less than one year.

Approved March 1, 1871.

No. 325. AN ACT TO SUPPLY THE DEFICIENCY IN THE APPROPRIATION FOR THE SUPPORT AND MAINTENANCE OF FREE SCHOOLS FOR 1870.

\$40,000 ap-
propriated.

To whom to
be paid.

How to be
paid.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of forty thousand dollars, or as much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury, not otherwise appropriated, to pay the salaries of the teachers of the free schools in the State, to January 1, 1871, which, by the inadequate appropriation already made, have been unpaid, to the great distress of the teachers employed in the same: Provided, That the foregoing appropriation shall be paid on the order of the State Superintendent of Education, with the approval of the Governor, and no part of said appropriation shall be used for any other purpose than the payment of the salaries of teachers.

Approved February 28, 1871.

No. 326. AN ACT TO INCORPORATE THE "MECHANICS' UNION, No. 1," OF THE CITY OF CHARLESTON, S. C.

Names of
corporators.

Corporate
rights and
privileges.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Henry Canneville, and such other persons as may now, or hereafter shall be, associated with him, are hereby made and declared to be a body politic and corporate, by the name and style of "The Mechanics' Union, No. 1," of the city of Charleston.

SEC. 2. That said association shall have succession of officers and members, according to its by-laws, shall have power to make by-laws (not repugnant to law) and to have and use a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court in this State, to retain, possess and enjoy all such property, real and personal, as it may possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by it, and to sell, alien or transfer the same.

SEC. 3. That this Act shall be deemed a public Act, and continue in force for a term of twenty years.

Approved February 28, 1871.

AN ACT TO INCORPORATE THE TOWN OF TIMMONSVILLE.

A. D. 1871.

No. 327.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now are or hereafter may be, inhabitants of the Town of Timmonsville, shall be deemed, and are hereby declared to be, a body politic and corporate, and that said town shall be called and known by the name of Timmonsville, and its limits shall extend one mile, in the direction of the cardinal points, from the depot of the Wilmington and Manchester Railroad Company, as a centre, and form a square.*

Name and limits of town

SEC. 2. That the said town shall be governed by an Intendant and four Wardens, (who shall be citizens of the United States, and shall have been residents of said town for sixty days immediately preceding said election,) who shall be elected at such time, and at such place in said village, as the Intendant and Wardens shall designate, ten days' public notice being previously given; and that all male inhabitants of the said town, of the age of twenty-one, who have resided therein sixty days immediately preceding the election, shall be entitled to vote for, and be elected as, Intendant and Wardens, and the election shall be held from six o'clock in the morning until six o'clock in the afternoon, when the polls shall be closed, and the Managers shall count the votes and proclaim the election, and give notice thereof to the persons elected; and that the Intendant and Wardens for the time being shall appoint the Managers to hold the ensuing election. That the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the Town of Timmonsville, I will, equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

Election of Intendant and Wardens.

When to be held.

How to be declared.

Oath of officers.

SEC. 3. That in case a vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation, removal from the State, or from any other cause, an election shall be held to fill such vacancy, and the Intendant and Warden, (or Wardens, as the case may be,) shall give ten days' previous notice of such election; and, in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act as Intendant during such sickness or absence.

Vacancies—how filled.

SEC. 4. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, have the same powers which a Trial Justice now has to compel the attendance of witnesses, and require them to give evidence upon the trial before them of any person for the violation of any of the by-laws or ordinances of the town; that the Intendant shall, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of the Town of Timmonsville; and they and their successors in office shall have a common seal, and shall have power to appoint, from time to time, such and so many proper persons, to act as Marshals or Constables, as they shall deem expedient and proper, which officers shall have all pow-

Judicial powers of officers.

A. D. 1871.

ers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of Constable; and the Intendant and Wardens, in Council, shall have power and authority, under their corporate seal, to ordain and establish all such rules and by-laws and ordinances, respecting the streets, ways, public wells and springs or fountains of water, markets, and police of said Town of Timmons-ville, and for preserving health, peace, order, and good government within the same, as they may deem expedient and proper, not inconsistent with or repugnant to the laws of the State; and all such by-laws and ordinances shall at all times be subject to revisal or repeal by the General Assembly of the State; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed thirty dollars; and when fines shall exceed twenty dollars, they may be recovered in a Trial Justice Court of the County of Darlington; and when they are of the amount of twenty dollars or under, they may be recovered before said Intendant and Wardens in Council.

Street, road
and other
public duty.

SEC. 5. That the said Council shall have power to abate and remove nuisances within the limits of said town, and also to classify and arrange the inhabitants liable to police duty, and require them to perform such duty as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be, established by law: Provided, always, nevertheless, That the said Council shall have power to compound with persons liable to perform such duty upon such terms as they shall by ordinance establish.

Proviso.

SEC. 6. That it shall be the duty of the Intendant and Wardens to keep all streets and ways which may be necessary for public use, within the limits of said town, open and in good repair, and for that purpose they are hereby invested with all the powers, rights and privileges granted by law to the County Commissioners within the limits of said town; and, for neglect of duty, they shall be liable to the pains and penalties imposed by law upon Commissioners of Roads for like neglect; and they are hereby individually exempt from the performance of road and police duty within the limits of said corporation.

May com-
pound with
persons.

SEC. 7. That the said Intendant and Wardens shall have power to compound with persons liable to work on the said streets and ways, and to release such persons as may desire it, upon the payment of such sums of money as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation.

May hold
and dispose
of property.

SEC. 8. That the said Council of the town of Timmons-ville shall also be empowered to retain, possess and enjoy all such property as they may now be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien, or in any way transfer the same, or any part thereof: Provided, The amount of property so held, or stock invested, shall in no case exceed twenty thousand dollars.

Impose an
annual tax.

SEC. 9. That the said Council shall also have power to impose an annual tax on all the real and personal property within the corporate limits of said town: Provided, Said tax does not exceed fifty cents on the one hundred dollars.

Regulate
sales at auc-
tion.

SEC. 10. That the Intendant and Wardens of the said town of Timmons-ville shall have power to regulate sales at auction within the limits

of said village, and to grant licenses to auctioneers: Provided, That nothing herein contained shall extend to sales by or for the Sheriffs, Clerks of Court, Judges of Probate, Coroners, Executors and Administrators, Assignees, or by any other person, under the order of any Court Trial Justice, or other inferior Court.

A. D. 1871.
Proviso.

SEC. 11. That the Intendant and Wardens of said town of Timmons-ville shall have power and authority to require all persons owning a lot or lots in the said town of Timmons-ville to keep in repair the sidewalks adjacent to their lots, respectively, and, for default in this matter, shall have power and authority to impose a fine not exceeding fifteen dollars.

Sidewalks.

SEC. 12. That the power to refuse or grant licenses to keep a tavern, or to retail intoxicating drinks, be, and the same is hereby, vested in the said Council of the town of Timmons-ville, and that they also be invested with all necessary power, by ordinance or ordinances, to suppress or regulate the sale of intoxicating drinks: Provided, That no rule or regulation shall be inconsistent with the Constitution and laws of the State.

May grant
licenses.

SEC. 13. That this Act shall be taken and deemed as a public Act in all Courts of Justice, and shall continue in force until repealed.

SEC. 14. That so much of Section 10 of "An Act to incorporate certain towns and villages, and to renew and amend certain charters heretofore granted," ratified on the 21st day of December, A. D. 1857, as incorporated the village of Timmons-ville, is hereby repealed.

Approved February 28, 1871.

AN ACT TO CHARTER THE TOWN OF HAMBURG.

No. 328.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all citizens of this State having resided sixty days in the town of Hamburg shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall be called and known by the name of Hamburg, and its corporate limits shall be held and deemed to extend from the Savannah Bridge, leading to Augusta, Georgia, one mile west, one-half a mile east, and one mile north.

Name and
limits of town

SEC. 2. That the said town shall be governed by an Intendant and four Wardens, who shall be citizens of this State, and shall have resided within the corporate limits of said town for sixty days immediately preceding their election, who shall be elected on the second Monday in April in every year, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one years, citizens of this State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Intendant
and Wardens
—who eligible

Electors.

SEC. 3. That the election for Intendant and Wardens of the said town shall be held at the Town Hall, in the said town, from eight o'clock in the morning until four in the afternoon; and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected; the Intend-

Election—
when and
how held and
declared.

A.D. 1871.

Oath of officers.

ant and Wardens shall appoint three Managers to hold the ensuing and every subsequent election, except the first, which shall be ordered by the County Commissioners of Edgefield County immediately after the passage of this Act. The Managers, in each case, shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same; and the Intendant and Wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Hamburg, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been elected: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in April ensuing, and until their successors shall be elected and qualified.

Vacancies—how filled.

SEC. 4. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens or Warden, (as the case may be,) or the County Commissioners of Edgefield County, if there should be no Intendant or Wardens, ten days' public notice thereof being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his stead during the time.

Judicial power of officers.

SEC. 5. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of Trial Justice, or any other inferior Court, within the limits of the said town. And the Intendant shall and may, as often as he may deem it necessary, summon the Wardens to meet in Council, (any two of the Wardens, with the Intendant, shall constitute a quorum to transact business;) and they shall be known as the Town Council of Hamburg, and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all the ordinances. And the said Town Council shall have authority to appoint, from time to time, as they may see fit, such and so many proper persons to act as Marshals or Constables of the said town, as the said Town Council may deem necessary and expedient for the preservation of the peace and good order of the town, and the persons so appointed shall, within the corporate limits of said town, have the powers, privileges and emoluments, and be subject to all the obligations, penalties and regulations, provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Council; and the said Town Council shall have the power to establish, or authorize the establishment, of the market house in said town; and the said Town Council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances respecting the streets, roads, market house, and the business thereof, and the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for the preserving health, order and good government within the same. And the said Town Council may impose fines for offences against their by-laws and ordinances, and appropriate the same to the public use of said town; and the said Town Council shall

May appoint Marshals.

Liabilities, duties and emoluments of Constables.

May impose fines.

have the same power which Trial Justices now have to compel the attendance of witnesses, and requiring them to give evidence upon the trial before them of any person for a violation of any of their by-laws or ordinances, but no fine above the sum of twenty dollars, or imprisonment in the guard house longer than ten days, shall be imposed by them, except by suit in the Court of Common Pleas: And provided, also, That no fine shall exceed fifty dollars; and, also, that nothing herein contained shall authorize the said Council to make any by-laws or ordinances inconsistent with, or repugnant to, the laws of this State; and all the by-laws, rules and ordinances the said Council may make shall, at all times, be subject to revisal or repeal by the General Assembly of this State.

A. D. 1871.

Fines — how collected.

Proviso.

SEC. 6. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall be their duty to keep all roads, ways and streets within the corporate limits of the said town open and in good repair, and for that purpose they are invested with all the powers heretofore granted to County Commissioners, and shall have full power to classify and arrange the inhabitants of said town liable to street, road or other public duty therein, and to force the performance of such duty, under such penalties as are now or shall hereafter be prescribed by law: Provided, That the said Town Council may compound with persons liable to perform such duty, upon such terms and on the payment of such sums as may be established by laws or ordinances: And provided, also, That the individuals who compose the said Town Council shall be exempt from the performance of road and police duty.

Street, road and other public duty.

Proviso.

SEC. 7. That the power to grant or refuse license for billiard tables, to keep tavern or to retail spirituous liquors, and on all drays and carts hauling goods for which they receive pay, also, all omnibuses or carriages carrying passengers within said town, at such rates and on such terms and conditions as the said Council may deem fit and proper; and the said Intendant and Wardens shall have the full and only power to impose a tax on all shows, exhibitions, or public amusements, for gain or reward, within the limits of said town. And all money paid for license for retailing spirituous liquors, keeping tavern and billiard tables, dray and cart license, and omnibuses or carriages, and the tax collected on all shows for gain or reward within the said limits, shall be appropriated to the public use of the said corporation.

May grant licenses.

SEC. 8. That the Town Council of Hamburg shall have power and authority to require all persons owning a lot or lots in said town to keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any of the public streets of said town, if, in the judgment of the Council, such sidewalks shall be necessary; the width thereof, and the manner of their construction, to be designated and regulated by the Town Council; and for default or refusal to keep in repair such sidewalks, the Town Council may cause the same to be put in repair, and require the owner to pay the price of repairing: Provided, That such contract for repairing be let to the lowest bidder.

Construction and repair of sidewalks.

Proviso.

SEC. 9. That the said Town Council of Hamburg shall have power to arrest and commit to jail for a space of time not exceeding five days, and to fine, not exceeding twenty dollars, any person or persons who may be guilty of disorderly conduct in said town, to the annoyance of the citizens thereof; and it shall be the duty of the Marshal of the town to

Who may be committed to jail, and how.

A. D. 1871.

make such arrests, and to call to his assistance the *posse comitatus*, if necessary, and, upon failure to perform said duty, he shall be fined in a sum not exceeding twenty dollars for each and every offence.

May impose
annual tax.

SEC. 10. That the said Town Council of Hamburg shall have power to grant or refuse licenses to parties within the limits of said town, and the parties to whom such licenses are granted shall be subject to such regulations as may, by ordinances, be established. They shall also have power, in addition to the money collected by licenses, to impose and collect an annual tax upon the assessed property of the said town: Provided, No tax shall be imposed in any one year to exceed the rate of fifteen cents on each hundred dollars of such assessed property, and that the money so raised shall be applied to the use of said town. The said Town Council shall have the power to enforce the payment of all taxes levied by the said Town Council, to the same extent, and in the same manner, as is now, or hereafter shall be, provided by law for the collection of the general State taxes.

Establish-
ment and use
of jail.

SEC. 11. That all public property, which was formerly under the control of the Town Council of Hamburg, shall again revert to the Town Council elected under this Act: Provided, Such property is in the corporate limits of said town, and intended for public use.

Town Coun-
cil to make
return to
their suc-
cessors.

SEC. 12. That the said Intendant and Wardens, in person, or any one of them, may authorize and require any Marshal or any Constable, especially appointed for that purpose, to arrest and commit to the guard house, (which the said Town Council are hereby authorized to establish,) or to the jail of Edgefield County, for a term not exceeding five days, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or any conduct grossly indecent, or dangerous to the citizens of said town, or any of them.

Failure and
penalty.

SEC. 13. That the Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their term, and shall pay over all moneys in their possession belonging to the corporation, also, deliver all books, records, and other papers incident to their office, to their successors, and on failure to do so, shall be liable to a fine not exceeding two hundred (200) dollars, to be collected by any proper action by the Town Council.

SEC. 14. That this Act shall be deemed a public Act, and shall continue in force for twenty-one years, and until the end of the session of the General Assembly of this State then next following, and all Acts of incorporations, or amendments thereof, repugnant or conflicting with this Act, are hereby repealed.

Approved February 28, 1871.

No. 329. AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF MT. PLEASANT.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

bly, and by the authority of the same, That from and after the passage of this Act, all citizens of this State, having resided sixty days in the town of Mt Pleasant, shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall be called and known by the name of Mt. Pleasant, and its corporate limits shall be and remain as at present fixed by law.

A. D. 1871.

Name and limits of town

SEC. 2. That the said town shall be governed by an Intendant and seven Wardens, who shall be citizens of the United States, and shall have been residents of the said town for sixty days immediately preceding their election, who shall be elected on the third Wednesday in April in the present year; and thereafter on the same day in every second year, as hereafter provided, ten days' public notice being previously given; and that all male inhabitants of the age of twenty-one years, citizens of the State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Intendant and Wardens — who eligible for.

Electors.

SEC. 3. That the election for Intendant and Wardens of the said town shall be held in the Court House, or some other convenient public place in the said town, from six o'clock in the morning until six o'clock in the afternoon, and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected.

Election — when to be held.

The Intendant and Wardens shall appoint three Managers to hold the ensuing and subsequent elections. Whenever there shall not be an Intendant and Wardens, or Intendant and Warden, from any cause whatever, it shall be the duty of the Clerk of Court for Charleston County to order such election forthwith, and appoint three Managers for the same. The Managers, in each case, shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same. And that the Intendant and Wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Mt. Pleasant, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purpose for which I have been elected: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the third Wednesday in April in every second year after their election, and until their successors shall be elected and qualified.

Oath of officers.

SEC. 4. That in case a vacancy shall occur in the office of the Intendant, or any of the Wardens, by death, resignation, removal or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, or Warden, as the case may be, or the Clerk of the Court of Charleston County, if there shall be no Intendant or Wardens, ten days' public notice thereof being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his stead during the time.

Vacancies — how filled.

SEC. 5. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of Trial Justice, or other inferior Court, within the limits of said town. And the said Intendant shall,

Judicial power of officers.

A. D. 1871.	and may, as often as he may deem necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Mt. Pleasant, and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all the ordinances. And the said Town Council shall have authority
May have a seal.	to appoint, from time to time, as they may see fit, such and so many proper persons, to act as Marshals and Constables of said town, as the Town Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons, so appointed, shall, within the corporate limits of said town, have the power and privileges and emoluments, and be subject to all the obligations, penalties and regulations provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Council. And the said
Appoint Constables.	Town Council shall have power to establish, or authorize the establishment of the market house in said town. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances respecting the roads, streets and market house, and the business thereof, and the police system of said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within the same. And the said Town Council may impose fines for
Establish a market house	offences against their by-laws and ordinances, and appropriate the same to the public use of said town. And the said Council shall have the same power which Trial Justices or other inferior Courts now have to compel the attendance of witnesses, and require them to give evidence upon the trial before them of any person for a violation of any of their by-laws or ordinances, but no fine above the sum of twenty dollars shall be collected by said Council, except by suit in the Court of Common Pleas: And provided, also, That no fine shall exceed fifty dollars, and, also, that nothing herein contained shall authorize the said Council to make any by-laws or ordinances inconsistent with, or repugnant to, the laws of this State; and all the by-laws, rules and ordinances the said
May impose fines.	Town Council shall make, shall, at all times, be subject to revisal or repeal by the General Assembly of this State.
Proviso.	SEC. 6. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall also be their duty to keep all roads, streets and ways within the corporate limits of the said town open and in good repair; and for that purpose they are invested with all the powers heretofore granted to County Commissioners; and shall have full power to classify and arrange the inhabitants of said town liable to street, road, and other public duty therein, and to force the performance of such duty under such penalties as are now, or shall hereafter be, prescribed by law: Provided, That the said Town Council may compound with persons liable to perform such duty, upon such terms, and on the payment of such sums, as may be established by laws or ordinances: And provided, also, That the individuals who compose the said
Nuisances.	Town Council shall be exempt from the performance of road or public duty, and the inhabitants of said town are hereby exempt from road and public duty without the corporate limits of said town: Provided, further, That the sum so fixed shall not exceed two (2) dollars per annum.
Street, road and other public duty.	
Proviso.	
Exemptions.	
Proviso.	

SEC. 7. That the power to grant or refuse licenses for billiard tables, to keep taverns, or to retail spirituous liquors within the limits of the said corporation, be, and the same is hereby, vested in the Town Council of Mt. Pleasant; and the said Council may grant licenses to retail spirituous liquors to such persons, and in such quantities, at such rates, and upon such terms and conditions, as the said Town Council may see fit and proper; and the said Intendant and Wardens shall have the full and only power to impose a tax on all shows or exhibitions for gain or reward within the limits; and all the money paid for licenses for retailing spirituous liquors, keeping taverns and billiard tables, and the tax on all shows for gain or reward, within said limits, shall be appropriated to the public use of said corporation.

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Grant or refuse licenses.

SEC. 8. That the said Town Council of Mt. Pleasant shall have full power and authority to require all persons owning a lot or lots in said town to build a lawful fence, and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any of the public streets of said town, if, in the judgment of the Council, such sidewalks shall be necessary, the width thereof, and the manner of their construction, to be designated and regulated by the Town Council; and for default or refusal to keep in repair such sidewalks, the Town Council may cause the same to be put in repair, and require the owner to pay the price of repairing: Provided, That such contract for repairing the same be let to the lowest bidder.

Sidewalks.

Proviso.

SEC. 9. That the said Town Council of Mt. Pleasant shall have power to arrest and commit to jail, for a space of time not exceeding twelve hours, and to fine, not exceeding twenty dollars, any person or persons who shall be guilty of disorderly conduct in said town, to the annoyance of the citizens thereof; and it shall be the duty of the Marshal of the town to make such arrest, and to call to his assistance the *posse comitatus*, if necessary; and, upon failure to perform such duty, he shall be fined in a sum not exceeding twelve dollars.

May commit to jail.

Penalties.

SEC. 10. That the said Town Council of Mt. Pleasant shall have power to grant or refuse license to parties within the limits of said town; and the parties to whom such licenses are granted shall be subject to such regulations as may by ordinance be established. They shall, also, have power to impose and collect an annual tax upon the assessed property of said town: Provided, No tax shall be imposed in any one year to exceed the rate of ten cents on each hundred dollars of such assessed property, and that the money so raised shall be applied to the use of the said town. The said Town Council shall have the power to enforce the payment of all taxes levied by the said Town Council, to the same extent, and in the same manner, as is now, or hereafter shall be, provided by law for the collection of the general State taxes.

May impose an annual tax.

SEC. 11. That the said Town Council of Mt. Pleasant shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, Nothing herein contained shall extend to the sales by a Sheriff, Clerk of the Court, Judge of Probate, Executor or Administrator, Assignee in Bankruptcy, or by any other person, out of the order, decree of any Court, Trial Justice, or other inferior Court.

Regulate sales at auction.

SEC. 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 28, 1871.

A. D. 1871.

AN ACT TO INCORPORATE THE SAVING, BUILDING AND LOAN ASSOCIATION OF SOUTH CAROLINA.

No. 330.

- Persons incorporated.** SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That T. K. Sasportas, A. J. Ransier, F. H. Frost, W. H. Jones, Jr., S. A. Swails, B. A. Rosemon, Jr., M. J. Hirsch, W. B. Nash, T. D. McDowell, W. J. Whipper, J. H. Rainey and Lucius Wimbush, together with such other persons who now are, or hereafter may be, associated with them, be, and they are hereby, incorporated and declared a body politic and corporate, under the name and style of the "Saving, Building and Loan Association of South Carolina," for the purpose of buying and selling real and personal property, and making loans of money, secured by mortgage of real and personal property.
- Purpose of corporation.** SEC. 2. That the capital of said corporation shall be twenty-five thousand dollars, and consist of twenty-five (25) shares, to be paid in successive weekly installments of two dollars on each share, so long as the corporation shall continue, or by such other contributions as shall be assessed and required by an unanimous vote of all the shareholders, the said shares to be held, transferred, assigned and pledged, and also to be liable to be forfeited to the corporation, and the holders thereof to be subject to such fines and forfeitures for violation of the constitution, rules and by-laws, and for default of payment of the said contribution, as may be prescribed by the constitution, rules and by-laws of said corporation; and, moreover, the said shares to be disposed of at the death, resignation or removal from the State of any shareholder, in such manner as may be prescribed by the said constitution, rules and by-laws.
- Capital stock.** SEC. 3. That the said corporation shall have such number and succession of officers and members as shall be ordained and chosen, according to the constitution, rules and by-laws, as are not repugnant to the Constitution and laws of the land; shall have and keep a common seal, and alter the same at will; shall sue and be sued, plead and be impleaded, in any Court of law or equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies.
- Nature of shares.** SEC. 4. That the funds of the said corporation may be invested in such property, real or personal, and securities, public or private, loaned to shareholders and members, or other persons or corporations, on such securities, in such mode, on such terms, under such conditions, and subject to such regulations as may be, from time to time, prescribed by the constitution, rules and by-laws of the said corporation; and that it shall, and may be, lawful for the said corporation to take and hold such lands, tenements, hereditaments and personal property, bonds, stocks, public and private, and choses in action, as they shall acquire by purchase, devise, bequest, gift, assignment or otherwise, to take and hold such lands, tenements, hereditaments and personal property, and such stocks and bonds, public or private, or choses in action, as shall be mortgaged, conveyed, assigned or pledged to it, by way of security upon its loans or advances, or purchased at sales thereof, and to sell, alien, transfer, or otherwise dispose of the same, as, from time to time, the said corporation may deem expedient.
- Corporate rights and privileges.** SEC. 5. That, semi-annually, on the first days of January and July,
- Investment of capital.**
- May purchase and sell**

there shall be divided, amongst the stockholders of the said corporation, the profits accruing from the investment.

A. D. 1871.

SEC. 6. That this Act shall be taken and deemed a public Act, and that the same may be given in evidence without being specially pleaded.

Approved February 28, 1871.

AN ACT TO INCORPORATE THE CHAMPION HOOK AND LADDER COMPANY, OF CHESTER. No. 331.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Crocket Champion, Malachi Grayson, Theodore Boyd, Benjamin Walker, B. F. Michael, Harrison Bailey, John Lee, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Champion Hook and Ladder Company, of Chester, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now secured by law to like incorporated bodies.

Name of
corporation.
Rights and
privileges.

SEC. 2. That this Act shall be deemed a public Act, and shall remain in force for the term of fifteen years.

Approved February 28, 1871.

AN ACT TO INCORPORATE THE ROCK HILL HOOK AND LADDER COMPANY. No. 332.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Captain E. A. Hutchinson, Captain Iredell Jones, W. M. McCully, M. D. Steele, R. H. McCosh, Charles E. Cobb, P. G. Keesler and J. H. Witherspoon, and their associates and successors, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Rock Hill Hook and Ladder Company, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure, and with all other rights, privileges and immunities that are now secured by law to like incorporated bodies.

Persons in-
corporated.

Rights and
privileges.

SEC. 2. This Act shall be deemed a public Act, and shall remain in force for the term of fourteen years.

Approved February 28, 1871.

A. D. 1871.

No. 333.

AN ACT TO AUTHORIZE CIRCUIT JUDGES TO HOLD COURTS IN OTHER CIRCUITS THAN THEIR OWN.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a Circuit Judge of any Circuit shall have power to hold any stated or special term of the Circuit Court in any other Circuit upon the written request of the Circuit Judge of that Circuit.

Approved February 28, 1871.

No. 334. AN ACT TO INCORPORATE THE WHIPPER GUARDS, OF CHRIST CHURCH PARISH.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That A. Smith, C. F. Nerthe, T. Ashburn, Enoch Menall, Lloyd Beckett, F. Robinson, B. F. Scott, and their successors and associates, shall be, and they are hereby, incorporated and made and declared a body politic and corporate, in deed and in law, by the name and style of the Whipper Guards, and, as such body politic and corporate, shall have power to make, use, have and keep a common seal, and the same at will to alter; to make all necessary by-laws, not repugnant to the laws of the land, and to have succession of officers and members, conformable to such by-laws, and to sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities incident to bodies corporate.

SEC. 2. That this Act shall be deemed and taken to be a public Act, and shall continue of force for fourteen years from the passage thereof

Approved March 1, 1871.

No. 335. AN ACT TO INCORPORATE THE SALAMANDER HOOK AND LADDER COMPANY, OF GEORGETOWN, S. C.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That A. H. Dorril, Frederick Arnholter, Murray Prior, and their associates and successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of Salamander Hook and Ladder Company, with a capital stock which shall not exceed the sum of five thousand dollars, with a right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and to use a common seal, and the same to alter at will and pleasure; and to have and enjoy all other rights,

privileges and immunities that are now, or may be hereafter, secured by law to like incorporated bodies.

A. D. 1871.

SEC. 2. This Act shall be deemed a public Act, and shall continue in force for the term of fourteen years.

Approved March 1, 1871.

AN ACT TO REQUIRE THE STATE TREASURER TO PAY COUNTY TREASURERS THE APPORTIONMENT OF THE STATE SCHOOL FUND FOR THEIR RESPECTIVE COUNTIES, AND FOR OTHER PURPOSES.

No. 336.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That within fifteen (15) days after the apportionment, by the State Superintendent of Education, of the State School Fund, and the annual taxes collected by the State, for the support of schools, required by Section 17 of an Act entitled "An Act to establish and maintain a system of Free Common Schools for the State of South Carolina," approved February 16th, 1870, the State Treasurer shall pay the several County Treasurers the apportionment of the fund and taxes aforesaid belonging to their respective Counties, according to the certificate of the State Superintendent of Education.

Treasurer to pay according to certificate of Superintendent of Education.

SEC. 2. That the several County Treasurers shall retain all the poll tax collected in their respective Counties; and it is hereby made the duty of the said County Treasurers, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each Parish or township in his County; and the poll tax collected therein shall be expended for school purposes in the Parish or Township from which it was collected.

County Treasurers to retain poll tax and keep account of same

SEC. 3. Any violation of this Act by the State or County Treasurers shall constitute, and it is hereby declared, a misdemeanor; and, on conviction thereof, the said State and County Treasurers shall pay a fine of not less than five hundred (500) dollars, nor more than five thousand (5,000) dollars, to be used for school purposes in the County suffering from such violation of this Act, or imprisonment, in the discretion of the Court.

Failure and penalty.

Approved March 1, 1871.

AN ACT TO PROVIDE FOR THE PROTECTION OF PERSONS, PROPERTY AND THE PUBLIC PEACE.

No. 337.

Whereas threatenings, intimidation and violence are used in portions of this State against the peace of the same; and whereas the laws are set at defiance, and the officers of the law hindered, prevented and obstructed in the discharge of their duties; and whereas armed, disguised and lawless persons are threatening, maltreating and assassinating peaceable and defenceless citizens; therefore,

Preamble.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

A. D. 1870.

Assault, intimidation or discharge from employment on account of political opinion.

Penalty.

Banding together or conspiring against persons, &c.

Penalty.

Sheriffs, Constables, &c., specially required to proceed against offenders.

The Circuit Courts to have cognizance.

Sheriffs and others to execute warrants, &c.

Failure to do so.

Penalty.

bly, and by the authority of the same, That if any person shall assault or intimidate any citizen because of political opinions or the exercise of political rights and privileges guaranteed to every citizen of the United States by the Constitution and laws thereof, or by the Constitution and laws of this State, or, for such reason, discharge such citizen from employment or occupation, or eject such citizen from rented house or land or other property, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined not less than fifty or more than one thousand dollars, or be imprisoned not less than three months or more than one year, or both, at the discretion of the Court.

SEC. 2. That if any two or more persons shall band or conspire together, or go in disguise upon the public highway or upon the premises of another, with intent to injure, oppress, or violate the person or property of any citizen, because of his political opinion or his expression or exercise of the same, or shall attempt, by any means, measures or acts, to hinder, prevent or obstruct any citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States, or by the Constitution and laws of this State, such persons shall be deemed guilty of a felony, and, on conviction thereof, be fined not less than one hundred or more than two thousand dollars, or be imprisoned not less than six months or more than three years, or both, at the discretion of the Court; and shall thereafter be ineligible to and disabled from holding any office of honor, trust or profit in this State.

SEC. 3. That if, in violating any of the provisions of this Act, any other crime, misdemeanor or felony shall be committed, the offender or offenders shall, on conviction thereof, be subjected to such punishment for the same as is attached to such crime, misdemeanor and felony by the existing laws of this State.

SEC. 4. That the Sheriffs, Constables, and other officers in the several Circuits or Counties vested with powers of arresting, imprisoning and bailing offenders against the laws of this State, be, and are hereby, specially authorized and required to institute proceedings against all and every person and persons who shall violate any of the provisions of this Act, and cause him and them to be arrested, imprisoned or bailed, as the case may require, for a trial before such Court as shall have jurisdiction of the offence.

SEC. 5. That the Circuit Courts of this State, within their respective Circuits, in the Counties of which the Circuits are respectively composed, shall have cognizance of all offences committed against the provisions of this Act, and of all other causes arising under this Act.

SEC. 6. That it shall be the duty of all Sheriffs, Constables, and other officers who may be specially empowered, to obey and execute all warrants and other processes issued under the provisions of this Act to them directed; and should any Sheriff, Constable, or other officer specially empowered, refuse to receive such warrant or other process, when tendered to him, or neglect or refuse to execute the same, he shall, on conviction thereof, be fined in the sum of five hundred dollars, to the use of the citizens deprived of the rights secured by the provisions of this Act, or be imprisoned in the County jail, in the discretion of the Court. And the better to enable the Sheriffs, Constables, and other officers specially empowered, to execute all such warrants and other processes as may be directed to them, they shall have authority to summon and call to their aid

the by-standers or *posse comitatus* of the proper County ; and all persons refusing to obey the summons or call of the officers thus empowered shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished. And such warrants and other processes shall run and be executed by said officers anywhere within the Circuit or County in which they are issued.

A. D. 1871.

SEC. 7. That any person who shall hinder, prevent or obstruct any officer or other person charged with the execution of any warrant or other process issued under the provisions of this Act, in arresting any person for whose apprehension such warrant or other process may have been issued, or shall rescue, or attempt to rescue, such person from the custody of the officer or person or persons lawfully assisting him, as aforesaid, or shall aid, abet or assist any person so arrested, as aforesaid, directly or indirectly, to escape from the custody of the officer or person or persons assisting him, as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or other process shall have been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact of the issuing of such warrant or other process, shall, on conviction for either of said offences, be subject to a fine of not less than fifty, nor more than one thousand dollars, or imprisonment of not less than three months, nor more than one year, or both, at the discretion of the Court having jurisdiction.

Persons hindering officers from executing warrants, &c.

Rescuing offenders.

Penalty.

SEC. 8. That any citizen who shall be hindered, prevented or obstructed in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States, or by the Constitution and laws of this State, or shall be injured in his person or property because of his exercise of the same, may claim and prosecute the County in which the offence shall be committed for any damages he shall sustain thereby, and the said County shall be responsible for the payment of such damages as the Court may award, which shall be paid by the County Treasurer of such County on a warrant drawn by the County Commissioners thereof ; which warrant shall be drawn by the County Commissioners as soon as a certified copy of the judgment roll is delivered them for file in their office.

Persons injured may prosecute the County for recovery of damages.

County to pay damages.

SEC. 9. In all cases where any dwelling house, building, or any property, real or personal, shall be destroyed in consequence of any mob or riot, it shall be lawful for the person or persons owning or interested in such property to bring suits against the County in which such property was situated and being, for the recovery of such damages as he or they may have sustained by reason of the destruction thereof ; and the amount which shall be recovered in said action shall be paid in the manner provided by Section 8 of this Act.

Destruction of buildings.

Owners to be indemnified.

SEC. 10. That no person or persons shall be entitled to the recovery of such damages if it shall appear that the destruction of his or their property was caused by his or their illegal conduct, nor unless it shall appear that he or they, upon knowledge had of the intention or attempt to destroy his or their property, or to collect a mob for that purpose, and, sufficient time intervening, gave notice thereof to a Constable, Sheriff, or Trial Justice or Justice of the Peace of the County in which such property was situated and being ; and it shall be the duty of such Constable, Sheriff, Trial Justice or Justice of the Peace, upon receipt of such notice, to take all legal means necessary for the protection of such property as attacked, or threatened to be attacked ; and, if such Constable, Sher-

When such damages cannot be recovered.

A. D. 1871.

Officers failing to protect persons to be responsible for damages.

Persons injured may sue participators in mob or riot

County Commissioners may prosecute all offenders.

Action not to abate.

iff, Trial Justice, or Justice of the Peace, upon receipt of such notice, or upon knowledge of such intention or attempt to destroy such property, in any wise received, shall neglect or refuse to perform his duty in the premises, he or they so neglecting or refusing shall be liable for the damages done to such property, to be recovered by action, and shall also be deemed guilty of a misdemeanor in office, and, on conviction thereof, shall forfeit his commission.

SEC. 11. That nothing in this Act shall be construed to prevent the person or persons whose property is injured or destroyed from having and maintaining his or their action against all and every person and persons engaged or participating in said mob or riot, to recover full damages for any injury sustained: Provided, however, That no damages shall be recovered by the party injured against any of the said rioters for the same injury for which compensation shall be made by the County.

SEC. 12. That it shall be lawful for the County Commissioners of the County against which damages shall be recovered under the provisions of this Act to bring suit or suits, in the name of the County, against any and all persons engaged, or in any manner participating in said mob or riot, and against any Constable, Sheriff, Trial Justice, or Justice of the Peace, or other officer charged with the maintenance of the public peace, who may be liable, by neglect of duty, to the provisions of this Act, for the recovery of all damages, costs and expenses incurred by said County, and such suits shall not abate or fail by reason of too many or too few parties defendant being named therein.

Approved March 1, 1871.

No. 338.

AN ACT TO CHARTER THE TOWN OF YORKVILLE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all citizens of this State having resided sixty days in the town of Yorkville shall be deemed, and are hereby declared to be, a body politic and corporate, and the said town shall be called and known by the name of Yorkville, and its corporate limits shall extend one mile in each direction from the Court House in said town.

SEC. 2. That the said town shall be governed by an Intendant and four Wardens, who shall be citizens of the United States, and shall have been residents of the said town for sixty days immediately preceding their election, who shall be elected on the second Monday in January in every year, fifteen days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one (21) years, citizens of the State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

SEC. 3. That the election for Intendant and Wardens of the said town shall be held in the court house, or some other convenient public place in the said town, from nine o'clock in the morning until five o'clock in the afternoon, and when the polls shall be closed, the Managers shall forth-

with count the votes and proclaim the election, and give notice in writing to the persons elected. The Intendant and Wardens shall appoint three Managers to hold the ensuing and any subsequent election. Whenever there shall not be an Intendant and Wardens, or Intendant and Warden, from any cause whatever, it shall be the duty of the Clerk of the Court for York County to order such election forthwith, and appoint three Managers for the same. The Managers in each case shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Yorkville, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in January ensuing, and until their successors shall be elected and qualified.

A. D. 1871.

Managers.

Oath of office.

SEC. 4. That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, or Warden, as the case may be, or the Clerk of the Court of York County, if there should be no Intendant or Wardens, ten days' notice thereof being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to act in his stead during the time.

Vacancies—
how filled.

SEC. 5. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers heretofore granted to Magistrates in this State. And the Intendant shall and may, as often as he may deem necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Yorkville, and they, and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances; and the said Town Council shall have authority to appoint, from time to time, as they may see fit, such and so many proper persons to act as Marshals or Constables of said town as the said Town Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons so appointed shall, within the corporate limits of said town, have the power, privileges and emoluments, and be subject to all the obligations, penalties and regulations provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Council. And the said Town Council shall have power to establish or to authorize the establishment of the market house in said town. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances, respecting the streets, roads, market house and the business thereof, and the police system of said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within the same. And the said Town Council may impose fines for offen-

Jurisdiction.

Privileges,
emoluments,
penalties, &c.Rules, by-
laws, &c.

A. D. 1871.

ces against their by-laws and ordinances, and appropriate the same to the public use of said town; and the said Council shall have the same powers which Trial Justices now have to compel the attendance of witnesses, and requiring them to give evidence upon the trial before them of any person for a violation of any of their by-laws or ordinances; but no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in the Court of Common Pleas: Provided, That no fine shall exceed fifty (50) dollars; and, also, that nothing herein contained shall authorize the said Council to make any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all the by-laws, rules and ordinances the said Council may make shall at all times be subject to revisal or repeal by the General Assembly of this State.

Proviso.

Nuisances.

SEC. 6. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall be their duty to keep all roads, ways and streets within the corporate limits of said town open and in good repair, and for that purpose they are invested with all the powers heretofore granted to Commissioners of Roads; and shall have full power to classify and arrange the inhabitants of said town liable to street, road, or other public duty therein, and to force the performance of such duty, under such penalties as are now, or shall hereafter be, prescribed by law: Provided, That the said Town Council may compound with persons liable to perform such duty upon such terms, and on the payment of such sums as may be established by law or ordinance: And provided, also, That the individuals who compose the said Town Council shall be exempt from the performance of road and police duty, and the inhabitants of said town are hereby exempted from road and police duty without the corporate limits of said town.

Duties.

Exemptions.

Licenses.

SEC. 7. That the power to grant or refuse licenses for billiard tables, to keep taverns, or to retail spirituous liquors within the limits of said corporation, be, and the same is hereby, vested in the Town Council of Yorkville, and the said Council may grant licenses to retail spirituous liquors to such persons, and in such quantities, at such rates, and upon such terms and conditions as the said Council may deem fit and proper. And the said Intendant and Wardens shall have the full and only power to impose a tax on all shows and exhibitions, for gain or reward, within the limits. And all moneys paid for licenses for retailing spirituous liquors, keeping tavern and billiard tables, and the tax on all shows for gain or reward within said limits, shall be appropriated to the public use within said corporation.

Sidewalks.

SEC. 8. That the said Town Council of Yorkville shall have power and authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any of the public streets of said town, if, in the judgment of the Council, such sidewalks shall be necessary, the width thereof, and the manner of construction, to be designated and regulated by the Town Council; and, for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing: Provided, That such contract for making or repairing be let to the lowest bidder.

Power to arrest.

SEC. 9. That the said Town Council of Yorkville shall have power to arrest and commit to jail, for a space of time not exceeding twelve hours,

and to fine, not exceeding twenty (20) dollars, any person or persons who shall be guilty of disorderly conduct in said town, to the annoyance of citizens thereof; and it shall be the duty of the Marshal of the town to make such arrest, and to call to his assistance the *posse comitatus*, if necessary; and upon failure to perform said duty he shall be fined in a sum not exceeding one hundred dollars for each and every offence.

A. D. 1871.

SEC. 10. That the said Town Council of Yorkville shall have power to grant licenses to parties within the limits of said town, and the parties to whom said licenses are granted shall pay a sum not exceeding two (2) hundred dollars. They shall also have power to impose and collect an annual tax upon the assessed property of said town: Provided, No tax shall be levied in any one year to exceed the rate of twenty (20) cents on each hundred dollars of such assessed property, and that the money so raised shall be applied to the use of said town. The said Town Council shall have the power to enforce the payment of all taxes levied by the said Town Council, to the same extent, and in the same manner, as is now, or hereafter shall be provided by law for the collection of the general State taxes.

Taxation.

SEC. 11. That the said Town Council of Yorkville shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, That nothing herein contained shall extend to sales by a Sheriff, Clerk of the Court, Judge of Probate, Coroner, Executor or Administrator, Assignee in Bankruptcy, or by any other person, out of the order, decree of any Court, Trial Justice, or any other inferior Court.

Sales at auction.

Proviso.

SEC. 12. That this Act shall be deemed a public Act, and shall continue in force for fourteen years, and till the end of the next session of the General Assembly then next following; and all Acts of incorporation, or amendments thereof, repugnant hereto, are hereby repealed.

Approved March 2, 1871.

AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF BAMBERG, IN THE STATE OF SOUTH CAROLINA.

No. 339.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passage of this Act, all and every person or persons whosoever, who are constitutionally qualified to vote for members of the General Assembly of the State, and who shall have resided within the present corporate limits of the town of Bamberg for a period of thirty days, and their successors, are hereby declared to be members of said corporation.

Who to be members of corporation.

SEC. 2. That the said persons and their successors shall, from and after the passage of this Act, become a body politic and corporate, and shall be known and called by the name of the town of Bamberg, and its corporate limits shall extend three-fourths of a mile, in the direction of the cardinal points, from the South Carolina Depot, in said town, as a center.

Limits of corporation.

SEC. 3. That said town shall be governed by an Intendant and four Wardens, who shall have resided therein for sixty days immediately preceding their election. The said Intendant and Wardens shall be elected

Intendant and Wardens to be elected.

A. D. 1871.

Electors.

on the second Tuesday in April in each year, ten days' notice having been previously given, and shall continue in office for one year, and until the election and qualification of their successors; and all male inhabitants of the said town who shall have attained the age of twenty-one years, and resided within said town for a period of thirty days immediately preceding their election, shall be entitled to vote for said Intendant and Wardens

Election —
how to be con-
ducted.

SEC. 4 That the said election shall be held in some convenient public place in said town, from eight o'clock in the morning until four o'clock in the evening; and when the polls shall be closed, the Managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall always appoint the Managers to conduct the election, who, before they open the polls for the said election, shall take an oath to fairly and impartially conduct the same. And the Intendant and Wardens, before entering upon the duties of their office, respectively, shall take the oath prescribed by the Constitution of this State, and the following

Oath of off-
cers.

oath, to wit: "As Intendant (or Warden) of the town of Bamberg, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purpose for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the said Town Council the sum of twenty dollars: Provided, That no person who has attained the age of sixty years shall be compelled to serve in the said offices, nor shall any other person be compelled to serve more than one year.

Vacancies—
how filled.

SEC. 5. That in case any vacancy shall occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of Intendant or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act as Intendant; any three Wardens, constituting a quorum, shall be considered as the Council for the transaction of all business coming before said Town Council.

Judicial pow-
ers of officers.

SEC. 6. That the Intendant and Wardens duly elected and qualified, shall be vested with all the powers of a Trial Justice, or Justice of the Peace, within the limits of said corporation. The Intendant shall, and may, as often as necessary, summon the Wardens to meet in Council, and they shall be known as the Town Council of Bamberg. And they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their Ordinances, may sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real or personal, or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the Intendant and Wardens shall have full power to make and establish all such rules, by-laws and ordinances, not conflicting with the State laws, for the welfare and benefit of said town; said rules, by-laws and ordinances to be subject to revisal or repeal by the General Assembly of this State. And said

Capital.

Rules and
ordinances.

Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public use of said corporation, and are hereby empowered to collect the same in the manner now prescribed by law: Provided, No punishment shall exceed fifty dollars or thirty days' imprisonment.

A.D. 1871.

Proviso.

SEC. 7. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses to keep taverns, or retail spirituous liquors within the corporate limits of said town, upon such conditions as they, by ordinance, may impose: Provided, That no license shall be fixed at a less sum, as now established by the laws of this State, and the moneys so collected shall be used for the benefit of said town, and that the licenses granted shall not extend beyond the term to which said Intendant and Wardens shall have been elected.

Grant or refuse licenses.

Proviso.

SEC. 8. That it shall be the duty of said Intendant and Wardens to keep all roads, streets and ways within the corporate limits open and in good repair. They shall have power to compound with all persons subject to road duty in said corporation, and apply said moneys so received to the public use of said town; and all persons refusing or failing, after due summons, to work the roads or pay such commutation, shall be fined in such sums, not exceeding twenty dollars, and in case of their refusal to pay such fine the Town Council may imprison such person or persons for a period, not to exceed ten days, as the Town Council may impose.

Street, road and police duty.

SEC. 9. They shall also have power to impose an annual tax not exceeding twenty cents on every hundred dollars of the assessed value of real and personal estate lying within the corporate limits of said town, the real and personal estate of churches and school associations excepted. The said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in the said town; to erect a powder magazine, and compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for the storage thereof, and for keeping and delivering the same. The said Council shall have power to enforce the payment of all taxes levied under authority of this Act, against the property and person of all defaulters, to the same extent and in the same manner as is provided by law for the collection of the general taxes, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the town Marshal or other person especially appointed by the Town Council to collect the same.

Power to impose annual taxes.

Payment of taxes—how enforced.

SEC. 10. That the said Intendant and Wardens shall have power to elect all such officers as, in their judgment, may be necessary to carry out the provisions of this charter.

SEC. 11. That the Intendant and Wardens elect shall, during their term of office, be exempt from street or road duty. Each Town Council shall, within thirty days after the expiration of their term of office, make out and return to their successors, a full account of their receipts and expenditures during their term, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and papers incidental to their office, and on failure to do so, shall be liable to be fined in a sum not exceeding one hundred dollars, and by imprisonment for a period not to exceed sixty days, or both such fine and imprisonment, to be collected in any proper action by the Town Council.

Officers to turn over the books, moneys, &c., to their successors.

Failure and penalty.

A. D. 1871.

SEC. 12. That all ordinances heretofore passed by the Town Council of Bamberg, in conformity with the authority granted by such existing laws as do not conflict with the Constitution of the United States and this State, shall be, and they are hereby, declared legal and valid.

SEC. 13. That all Acts and parts of Acts heretofore passed, in relation to the incorporating of the town of Bamberg, be, and they are hereby, repealed.

SEC. 14. This Act shall be deemed a public Act, and shall continue in force until amended, altered or repealed.

Approved March 2, 1871.

No. 340. AN ACT TO AUTHORIZE SYLVANUS MAYO TO BUILD A WHARF IN THE TOWN OF BEAUFORT.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Sylvanus Mayo be, and he is hereby, authorized to build a wharf to deep water in front of the property owned by him, in the town of Beaufort, known as lot A, in block thirty-nine (39,) to collect wharfage on the same, and to use, sell or lease the said wharf for his own use and benefit, subject to any laws now existing, or hereafter to be enacted, in relation to such property.

Approved March 2, 1871.

No. 341. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF PUBLIC BUILDINGS FOR WILLIAMSBURG DISTRICT TO SELL CERTAIN PORTIONS OF THE PUBLIC GROUNDS," PASSED THE TWENTY-SECOND DAY OF DECEMBER, A. D. 1859.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to authorize the Commissioners of Public Buildings for Williamsburg District to sell certain portions of the public grounds," passed the twenty-second day of December, A. D. 1859, as provides that it shall be an irrevocable condition of sale that the purchasers shall erect none other than brick buildings thereon, be, and the same is hereby, repealed.

Approved March 2, 1871.

No. 342. AN ACT TO VEST IN THE CHARLESTON LAND COMPANY THE CHARTER OF A FERRY FROM HAMLIN'S WHARF, IN THE CITY OF CHARLESTON, TO THE FOLLOWING POINTS ON THE WANDO RIVER, TO WIT: SCANLONVILLE, REMLEY'S POINT, VENNING'S LANDING AND DANIEL'S ISLAND LANDING.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

bly, and by the authority of the same, That a public ferry be, and the same is hereby, established from Hamlin's Wharf, in the city of Charleston, to the following points on the Wando River, to wit: Scanlonville, Remley's Point, Venning's Landing and Daniel's Island Landing; and that the said ferry shall be vested in the Charleston Land Company for the term of twenty years.

A. D. 1871.

SEC. 2. That the said Charleston Land Company shall enjoy the exclusive charter of said ferry, with the privilege of charging not more than fifty cents for each passenger conveyed, and reasonable freight on merchandise: Provided, Said Company shall have said ferry established and in good working order within two years after the passage of this Act.

Rates of fare.

Proviso.

Approved March 2, 1871.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE CHARTER AND EXTEND THE LIMITS OF THE CITY OF COLUMBIA," APPROVED FEBRUARY 26, 1870.

No. 343.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Mayor and Aldermen of the city of Columbia are hereby authorized and empowered to incorporate the territory added to the former territory of the city of Columbia, by an Act of the General Assembly of this State entitled "An Act to alter and amend the charter and extend the limits of the city of Columbia," approved February 23, 1870, into the present wards of the said city, as they are now laid out, by extending the lines thereof North and East to its present Northern and Eastern boundaries; and the said Mayor and Aldermen, at the time they incorporate the said newly annexed territory into the existing wards of the said city of Columbia, are hereby authorized and empowered to continue and extend the said streets in straight lines through the lands of any person or persons, companies or corporations, to the present Northern and Eastern boundaries of the said city, of the same width of the old streets: Provided, however, That in carrying out the first Section of this Act in extending the wards of the said city of Columbia, and in the extension of the streets thereof North and East to the Northern and Eastern boundaries, the said Mayor and Aldermen shall conform to the 23d Section of the first Article of the Constitution of this State now of force: And provided, further, That the Act of the General Assembly of this State entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the construction and use of railways and other works of internal improvement," ratified on the 22d day of September, A. D. 1868, shall be in all respects followed and observed.

Mayor and Aldermen to incorporate certain territory.

Boundaries of said territory.

Proviso.

Further proviso.

SEC. 2. That when the said territory shall have been incorporated into the present wards of the said city, the inhabitants thereof shall be entitled to all the rights and privileges, and be subjected to all the duties and liabilities, which now pertain to the corporators of the said city of Columbia, or which may hereafter be created by law.

Inhabitants thereof to be citizens of Columbia.

SEC. 3. That in all cases in which, by existing ordinance, or ordinances of the said city which may hereafter be passed, the Mayor and Alder-

A. D. 1871.

When Mayor and Aldermen may commit to the Work House.

men thereof, or the Mayor alone thereof, have power to impose fines for the violation of the same, the said Mayor and Aldermen, or the said Mayor alone, or any Alderman acting in his stead, are hereby authorized and empowered to impose the alternative punishment of imprisonment or confinement at hard labor in the Work House, whenever such Work House shall be erected: Provided, however, That the term of imprisonment or confinement at hard labor shall not exceed ten days for any single offence.

Owners of property to make return of the value thereof.

Failure to do so, and penalty.

Executions for collection of taxes—how made.

SEC. 4. That all persons liable to taxation shall make discovery, upon oath or affirmation, of their taxable property within the said city of Columbia, and make payment of their taxes to the Clerk and Treasurer of said city of Columbia, according to his assessed value thereof; and upon the failure to make such return and payment as required, the party so in default shall be subject to a penalty of ten per cent., to be collected in the manner hereinafter in this Section provided for the collection of taxes, fines and licenses; and whenever it shall become necessary to issue executions for the collection of taxes due to the said city of Columbia, and to sell thereunder the real property of the defaulting tax payer, in order to collect the same, the sale thereof shall take place in the same manner and subject to the same regulations as are applicable to sales of real estate by the Sheriff of Richland County under executions issuing out of the Circuit Court of Common Pleas; and all executions to enforce the payment of taxes, fines and licenses shall be issued under the seal of said city of Columbia, and may be lodged in the office of the Sheriff of Richland County, and may be directed to the said Sheriff or to the Chief of Police or other person appointed by the said Mayor and Aldermen to collect and receive the same, with costs, as in such cases made and provided by law; and all property upon which tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to all other debts, except debts due to the State, which shall be first paid, for the term of one year from the time at which the same may be assessed and levied; and that all taxes and licenses imposed by the Mayor and Aldermen of said city of Columbia, shall be payable in advance on or before the fifteenth day of March, after the assessment or said taxes, by the parties liable for the same, and, on failure of payment of the same, their property shall be liable as in manner and form just before stated. And for the purpose of putting the purchaser of said real estate into the quiet and immediate possession thereof, if it be necessary so to do, the Mayor of the said city of Columbia is hereby authorized and empowered to issue his warrant of ejectment, directed to the Chief of Police or any other officer of the city, against the said defaulting tax payer, his tenants or lessors, and all persons whomsoever occupying or holding the said property: Provided, That the said real property shall not be sold, or the owner of the fee therein deprived of the same, for a longer period than two years

Taxes and licenses payable in advance.

When warrants of ejectment may be issued, and how.

Proviso.

Provisions for the poor.

Poor tax.

SEC. 5 That the Mayor and Aldermen of the said city of Columbia are hereby vested with all the power and authority over the poor within the city of Columbia which, by the law, now belong, or may hereafter belong, to the County Commissioners of Richland County over the poor of said County. And for the purpose of raising funds to provide for the support and comfort of the said poor, the said Mayor and Aldermen may assess and collect a poor tax on the taxable property of the

said city, in the same manner as they assess and collect taxes thereon for the support of the city government: Provided, That said tax shall not exceed ten per cent. on the amount of taxes thereon paid to the said city: Provided, further, That the tax payers of the said city of Columbia shall not be taxed for the support of the poor outside of the corporate limits of the said city.

A. D. 1871.

Proviso.

SEC. 6. That when any fine imposed by the said Mayor and Aldermen, or by the said Mayor alone, for a violation of any ordinance of the said city of Columbia, passed pursuant to law, exceeds forty dollars, the same shall be recoverable in the Circuit Court of Common Pleas for Richland County; and when such fine shall be for forty dollars, or less, the same shall be recoverable before the said Mayor and Aldermen, or before the said Mayor alone: Provided, That in all cases the party so fined by the said Mayor shall have the right of appeal for a hearing to the said Mayor and Aldermen in Council assembled, on giving proper security to the city of Columbia to prosecute said appeal.

Fines—how recovered when more than \$40—how when less.

Proviso.

SEC. 7. That the twelfth Section of an Act of the General Assembly of this State entitled "An Act to alter and amend the charter of the town of Columbia," ratified on the 21st day of December, one thousand eight hundred and fifty-four, which authorizes the Mayor and Aldermen of the said city of Columbia to issue an execution against the body of every person for any sum of money imposed by way of fine, tax or exemption for street or unofficial police duty under the circumstances therein named, be, and the same is hereby, repealed. The said Mayor and Aldermen of the city of Columbia shall have power to abate and remove all nuisances in said city; and it shall be their duty to keep all roads, ways, bridges and streets within the corporate limits of the said city in good repair; and for that purpose they are invested with all the powers of County Commissioners, or Commissioners of Roads, for and within the corporate limits of said city; and they may lay out new streets, close up, widen, or otherwise alter those now in use, subject, however, to the two provisos contained in the first Section of this Act; and shall have power to class and arrange the inhabitants or citizens of said city liable to street, road or other public duty therein, and to force the performance of such duty under such penalties as are now or shall hereafter be prescribed by their ordinances, passed pursuant to law; and they shall have power to compound with all persons liable to work the streets, ways and roads in said city, upon such terms as their ordinances may establish, or their rules and regulations require; and all persons refusing to labor, or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars for any one year, as the said Mayor and Aldermen may impose; and they shall have power to enforce the payment of such fine in the same manner as is provided in the sixth Section of the Act for the collection of other fines. And said Mayor and Aldermen shall have power and authority to require all persons owning a lot or lots in said city, to close in, and to make and keep in good repair, sidewalks in front of said lot or lots, wherever the same shall front or adjoin any public street of said city, if, in their judgment, such sidewalks shall be necessary; the width thereof, and the manner of construction, to be designated and regulated by the said Mayor and Aldermen; and for default or refusal, after reasonable notice, to make and keep in good repair such sidewalk, and to close in such lot or lots, the Mayor and Aldermen may

Repeal of execution.

Street, road and other public duty.

Construction and repair of sidewalks.

A. D. 1871.

Proviso

cause the same to be done, and require the owner to pay the cost of the work; and the said Mayor and Aldermen are hereby empowered to sue for, and recover the same by action, in any Court of competent jurisdiction: Provided, That the contract be let to the lowest responsible bidder.

Licenses.

SEC. 8. That the said Mayor and Aldermen are hereby empowered to require all persons, companies and corporations now engaged, or who may hereafter become engaged in business or avocations of any kind whatever, within the limits of the city of Columbia, to take out a license from the Mayor and Aldermen of the said city, who are hereby authorized to impose a reasonable charge or tax for the conduct of the same.

Repeal of
Section 10 of a
certain Act of
Assembly.

SEC. 9. That all that part of Section 10 of an Act of the General Assembly of this State entitled "An Act to alter and amend the charter of the town of Columbia," ratified on the 21st day of December, in the year of our Lord one thousand eight hundred and fifty-four, as relates to the imposition of taxes on slaves, free negroes, mulattoes or mestizoes, residing within the limits of the said city, and all other Acts and parts of Acts of the General Assembly of this State relating to the said city, or to the said town of Columbia, before it was incorporated as the city of Columbia, wherein are discriminations for purposes of taxes, or for any other purpose whatever, on account of race or color, be, and the same are hereby, repealed.

Rules, regu-
lations and
ordinances.

SEC. 10. That the Mayor may, as often as occasion may require, or whenever requested so to do, in writing, by three Aldermen, summon the Aldermen to assemble in Council; and the said Mayor and Aldermen shall have, and they are hereby vested with, full and ample power, from time to time, under their common seal, to make all such ordinances, rules and regulations, relative to the streets and markets of the said city, as they may think proper and necessary, and to establish such by-laws, not inconsistent with the laws of the land, as may tend to preserve the quiet, peace, safety and good order of the inhabitants thereof; and the said Mayor and Aldermen, or the said Mayor alone, may fine and impose fines and penalties for violations thereof, which may be recovered in a summary manner, to the extent of forty dollars, before them in Council, or before him alone, subject to the right of appeal, as hereinbefore provided, from the decision of the said Mayor in the premises; and the said Mayor and Aldermen, separately and severally, are hereby authorized to administer oaths, command the peace, disperse riotous assemblies, and, within the limits of the said city, are vested with all the powers and duties which pertain to the officers of the peace in these and like respects throughout the State: Provided, nevertheless, That all such ordinances, by-laws, rules and regulations as are herein mentioned, when so made, shall be duly promulgated, and that no such fine, in any one case, and for any single offence, shall exceed the sum of forty-five dollars.

Judicial pow-
ers of officers.

Taxes.

SEC. 11. That every description of property, real and personal, situated, used or occupied within the limits of the said city of Columbia, which is now taxed, or liable to be taxed, or which hereafter may be made liable to taxation, by the General Assembly for the support of the State Government, shall be, and is hereby, made subject to taxation by the Mayor and Aldermen of the said city for the support of the government thereof.

SEC. 12. That an Ordinance entitled "An Ordinance to regulate licenses

for the year 1871, passed and ratified by the Mayor and Aldermen of the said city of Columbia, in Council assembled, on the 30th day of December, A. D. 1870, be, and the same is hereby, declared valid and of full force, to all intents and purposes, according to the letter, tenor and effect thereof, except so much of the said Ordinance as relates to licenses for cotton gins, ginning for toll or pay, dealers, retail, in goods, wares and merchandise, including distilled spirits, hotel keepers, livery and sale stables, the licenses for which shall be as follows: Cotton gins, ginning for toll or pay, fifty dollars; dealers, retail, in goods, wares and merchandise, excluding distilled spirits, whose annual sales exceed five thousand dollars and do not exceed ten thousand dollars, twenty dollars; dealers, retail, in goods, wares and merchandise, excluding distilled spirits, whose annual sales exceed ten thousand dollars and do not exceed twenty thousand dollars, forty dollars; dealers, retail, in goods, wares and merchandise, excluding distilled spirits, whose annual sales exceed twenty thousand dollars and do not exceed thirty thousand dollars, fifty dollars; dealers, retail, in goods, wares and merchandise, excluding distilled spirits, whose annual sales exceed thirty thousand dollars and do not exceed fifty thousand dollars, seventy-five dollars; and every additional thousand, per thousand, fifty cents; hotels capable of accommodating one hundred persons, fifty dollars; hotels capable of accommodating less than one hundred and more than fifty persons, thirty-five dollars; hotels capable of accommodating more than twenty-five and less than fifty persons, thirty dollars; stables, livery and sale, seventy-five dollars: Provided, That there shall be no tax upon incomes derived from factorage, employment and professions: And provided, further, That no penalty imposed by said Ordinance shall attach thereto until thirty days after the ratification of this Act.

SEC. 13. That all Acts, or parts of Acts, inconsistent with the provisions of this Act, be, and the same are hereby, repealed.

Approved March 2, 1871.

A. D. 1871.
Licenses regulated.

Amounts of license on various trades and avocations.

AN ACT TO PERMIT WILLIAM L. WOOD TO ADOPT NAPOLEON B. SMITH, TO MAKE HIM HIS LAWFUL HEIR, AND TO CHANGE THE NAME OF THE SAID NAPOLEON B. SMITH TO THAT OF NAPOLEON B. WOOD.

No. 344.

Whereas, William L. Wood, of the County of Laurens, has adopted, with the consent of its parents, a child of the age of seven years, known by the name of Napoleon B. Smith; and, whereas, he is desirous of treating said child, in every respect, as his own, to make him his lawful heir, and to confer upon him his own name; therefore,

Preamble.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the name of the said Napoleon B. Smith be changed to Napoleon B. Wood, and that hereafter the said Napoleon B. Smith be known and called Napoleon B. Wood.

Name changed.

A. D. 1871.

N. B. Wood
to be deemed
heir of W. L.
Wood.

SEC. 2. That the said Napoleon B. Wood shall hereafter be deemed a legal heir of the said William L. Wood, and shall, upon the death of the said Wood, providing he dies intestate, inherit his property in common with such other legal heirs as the said Wood shall leave at the time of his death.

Approved March 2, 1871.

No. 346. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE COMMON SCHOOLS FOR THE STATE OF SOUTH CAROLINA."

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Board of Education shall consist of the several County School Commissioners and the State Superintendent of Education, who shall be *ex officio* Chairman of the Board, and who shall be entitled to vote on all questions submitted to the Board. The Board may elect one of its members as Secretary.

Board of Edu-
cation—whom
to consist of.

Officers.

Meeting of
Board.

Members of
Board to re-
ceive mileage

Commission
to select text
books.

Proviso.

Superinten-
dent of Edu-
cation to fur-
nish books
free of charge

SEC. 2. That the State Board of Education shall hold its first meeting at the Capital of the State, on the second Wednesday after the approval of this Act, and shall thereafter meet on the first Wednesday in October of every year, at the Capital of the State, and at such other times and places as the State Superintendent of Education shall direct. The members of the Board shall be entitled to receive a mileage at the rate of twelve (12) cents per mile going to and returning from the meetings of the Board aforesaid, to be paid by the State Treasurer on presentation of a certificate signed by the Chairman and Secretary of the Board.

SEC. 3. That, for the purpose of procuring a uniform system of text-books, to be used in the common and public schools throughout the State, there shall be a Commission of five appointed, to consist of His Excellency the Governor, who shall be *ex officio* Chairman, the Chairman of the Committee on Education of the Senate and House of Representatives, and, for the purpose of selecting the other two members, the Senate shall, by a majority of votes, appoint one, and the House of Representatives shall, in like manner, select the other: Provided, That the Commission herein appointed shall not have power to amend or change the list of text-books already in use until the first of January, 1873, unless authority be granted to the Commission, by Act of the General Assembly, to amend or change the list aforesaid: And provided, further, That the Commission shall decide upon a list of text-books to be used in the common and public schools throughout the State, and shall furnish the same to the Board of Education at its first session. The meetings of the State Board of Education shall be held for the purpose of considering such matters as may be deemed necessary, and of taking such action as may advance the cause of common school education in this State.

SEC. 4. That the School Trustees of every School District shall make out and forward to the School Commissioner of the County wherein such School District is situated a list of all text-books needed by the persons attending school, which list, when properly certified to by said Trustees,

the School Commissioner shall approve and forward to the State Superintendent of Education. The State Superintendent of Education shall, as soon as practicable after the receipt of such list, forward the books therein required free of charge. And the General Assembly shall by appropriation provide for the payment of the books aforesaid.

A. D. 1871.

SEC. 5. That the State Board of Education shall take and hold in trust, for the State, any grant or devise of lands, and any gift or bequest of money, or other personal property, made to it for educational purposes; and shall pay into the State Treasury, for safe-keeping and investment, all moneys and incomes from property so received. The State Treasurer shall, from time to time, invest all such money in the name of the State, and shall pay to the State Board of Education, on the warrant of the Governor, the income or principal thereof, as it shall, from time to time, require: Provided, That no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the State Treasurer he shall be responsible, upon his bond, to the State, as for other funds received by him in his official capacity: Provided, however, That the Trustees of any School District of this State may take and hold in trust, for their particular School District, any grant or devise of lands, and any gift or bequest of money, and apply the same in the interest of the schools of their District, in such manner as, in their judgment, seems most conducive to the welfare of the schools, when not otherwise directed by the terms of the said grant or devise, gift or bequest: And provided, further, That before said Trustees shall assume control of any such grant, devise or bequest, they shall give a bond, to be approved by the School Commissioner of the County in which such grant, devise or bequest is made; said bond to be deposited with the Clerk of the Court of said County.

Property of free schools—how to be managed.

Proviso.

Trustees of schools may hold such property.

Proviso.

State Superintendent of Education.

SEC. 6. That the present State Superintendent of Education shall continue in office until the election and qualification of his successor. At the general election in 1872, and every four years thereafter, a State Superintendent of Education shall be elected, in the same manner as other State officers, who shall enter upon the duties of his office on the first day of January succeeding his election.

Superintendent of Education—term of office.

SEC. 7. That he shall, before entering upon the duties of his office, give bond, for the use of the State of South Carolina, in the penal sum of five thousand (5,000) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall, also, at the time of giving bond, take and subscribe the oath prescribed in Section 30 of Article II of the Constitution of the State, which oath shall be endorsed upon the back of said bond, and the bond shall be filed with, and preserved by, the Secretary of State.

His bond.

Oath.

SEC. 8. That the State Superintendent of Education shall receive, as compensation for his services, the sum of twenty-five hundred (2,500) dollars per annum, together with his actual cost of transportation when traveling on public business, payable quarter-yearly out of the State Treasury.

His salary.

A. D. 1871.

His duties generally.

Shall secure uniformity of text books.

Shall furnish books, &c. to School Commissioners.

Shall collect books, &c.

Superintendent may certify to papers on file in his office.

Annual Report of Superintendent of Education.

SEC. 9. That he shall have general supervision over all the common and public schools of the State, and it shall be his duty to visit every County in the State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the schools.

SEC. 10. That he shall secure uniformity in the use of text-books throughout the common and public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in schools.

SEC. 11. That he shall prepare and transmit to the several County School Commissioners, school registers, blank certificates, reports, and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports, and carrying into full effect the various provisions of the school laws of this State; and shall cause the laws relating to common schools, with such rules, regulations, forms and instructions as shall be prescribed by the Board of Education, to be printed, together with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County School Commissioners for distribution.

SEC. 12. That it shall be the duty of the State Superintendent of Education to collect in his office such school books, apparatus, maps and charts as can be obtained without expense to the State; and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors, and others, who may wish to consult them; and the said sum is hereby annually appropriated for this purpose out of any moneys in the State Treasury not otherwise appropriated.

SEC. 13. That copies of all papers filed in the office of the State Superintendent of Education and his official acts may be certified by him, and, when so certified, shall be evidence equally and in like manner as the original papers.

SEC. 14. That the State Superintendent of Education shall submit, in his Annual Report, a statement of his official visits during the past year.

SEC. 15. That he shall make a report, through the Governor, to the General Assembly, at each regular session thereof, showing:

1st. The number of persons between the ages of six (6) and sixteen (16) years, inclusive, residing in the State on the first day of the last preceding October.

2d. The number of such persons in each County.

3d. The number of each sex.

4th. The number of white.

5th. The number of colored.

6th. The whole number of persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each County that attended during the same period.

7th. The number of whites of each sex that attended, and the number of colored of each sex that attended the said schools.

8th. The number of common schools in the State.

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9th. The number of pupils that studied each of the branches taught.

10th. The average wages paid to teachers of each sex.

11th. The number of school houses erected during the year, and the location, material and cost thereof.

12th. The number previously erected, the material of their construction, their condition and value, and the number with their grounds enclosed.

13th. The Counties in which teachers' institutes were held, and the number that attended the institutes in each County.

14th. Such other statistical information as he may deem important, together with such plans as he may have matured, and the State Board of Education may have recommended for the management and improvement of the school fund, and for the more perfect organization and efficiency of the common schools.

15th. The number and cost of the books furnished to each County School Commissioner.

SEC. 16. That he shall have power to examine all persons who may make application to him, as to their qualification for teaching school in this State; and, that, to all persons of good moral character who pass a satisfactory examination, he shall issue a certificate of qualification for teaching school in the State of South Carolina, which certificate shall authorize the person to whom it is given to teach in any of the common schools of this State, in which his or her services may be desired by the Trustees of the school in which he or she may make application to teach, without any further evidence of qualification. Said certificate shall be valid for the term of two (2) years, unless sooner revoked.

Shall examine teachers and issue certificates.

SEC. 17. That he shall, annually, on the first day of November, or as soon as practicable thereafter, apportion the income of the State school fund, and the annual taxes collected by the State for the support of schools, among the several School Districts of the State, in proportion to the respective number of pupils attending the public schools, and he shall certify such apportionment to the State Treasurer. He shall also certify to the Treasurer and School Commissioner of each County the amount apportioned to their County, and he shall draw his order on the State Treasurer in favor of the County Treasurer of each County for the amount apportioned to said County.

Shall apportion school fund.

SEC. 18. That there is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the sum of one thousand dollars annually, to the State Superintendent of Education, for the purpose of defraying the expenses of Clerk hire in the office of the said State Superintendent of Education, said sum to be drawn quarterly by him, and to be disbursed by the said State Superintendent, for the purpose herein named: Provided, That the said sum of one thousand dollars shall be in full for the annual payment for all Clerk hire of said Department.

Appropriation for Clerk hire.

SEC. 19. That the State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

Shall transfer books to successor.

SEC. 20. That in case of vacancy in the office of State Superintendent of Education, the Governor shall appoint, with the advice and consent of the Senate, a person to fill such vacancy, who shall qualify within

Vacancy how filled.

A. D. 1871.

fifteen days after his appointment, and shall continue in office until the next ensuing general election, when a person shall be elected to fill the unexpired term; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

County School Commissioners.

County
School
Commissioners.

Term of office

Bond.

Oath of office.

Vacancy—
how filled.

Shall visit
schools and
give advice to
teachers.

Shall en-
courage for-
mation of as-
sociations.

SEC. 21. That the present County School Commissioners shall continue in office until their successors are elected and qualified. There shall be elected in each County, at the general election in October, A. D. 1872, and at the general election every two years thereafter, a School Commissioner, who shall hold his office until his successor is elected and qualified. He shall, before entering upon the duties of his office, give bond, for the use of the County in which he is elected, for educational purposes, in the penal sum of twice the amount of his annual salary, with good and sufficient sureties, to be approved by the County Commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

SEC. 22. That on the first day of January next succeeding the date of his election, he shall take and subscribe the oath of office prescribed in Section 30, Article II, of the Constitution of this State, which oath he shall file in the office of the Clerk of the Court of the County in which he was elected, and shall immediately enter upon the discharge of his duties, and, upon his failure so to do, or if for any other cause there should be a vacancy in the office, the Governor shall appoint a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the time prescribed for filling said office by election, as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

SEC. 23. It shall be the duty of each County School Commissioner to visit each of the schools in his jurisdiction at least three times a term, and to note the course and method of instruction, and the branches taught, and to give such recommendations in the art of teaching, and the method thereof, in each school, as shall be necessary and expedient, so that uniformity in the course of studies and methods of instruction employed shall be secured, as far as practicable, in the schools of the several grades respectively. He shall acquaint himself, as far as practicable, with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school, or the classification of its pupils, or the method of instruction employed in the several branches, and shall make such suggestions, in private, to the teachers, as to him shall appear necessary to the good order of the school, and the progress of the pupils.

He shall note the character and condition of the school houses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several District Boards as, in his opinion, shall seem conducive to the comfort and progress of the pupils of the several schools. It shall be the duty of each County School Commissioner to aid the teachers in all proper efforts to improve themselves in their profession.

For this purpose, he shall encourage the formation of associations of teachers for mutual improvement; he shall attend the meetings of such associations, and give such advice and instruction in regard to their conduct and management as, in his judgment, will contribute to their greater

efficiency. He shall, also, deliver a public lecture to the people in each of the several Districts of the County each year. for the purpose of elevating the standard of education, and increasing the general interest of the people in public schools.

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Public lecture.

SEC. 24. That it shall be his duty to see that in every school under his care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, history of the United States, the principles of the Constitution and Laws of the United States and of this State, and good behavior.

Branches to be taught.

SEC. 25. He shall, on or before the first day of October, each year, forward to the State Superintendent of Education an extended report, containing an abstract of the reports made to him by the various school officers and teachers in his County, and showing the condition of the schools under his charge, suggesting such improvements in the school system as he may deem useful, and giving such other information in regard to the practical operation of the common schools, and laws relating thereto, as may be deemed of public interest. He shall also include, in his report, such other matters as he shall be directed to report by the State Superintendent of Education

Annual Report.

SEC. 26. That, should he fail to make the annual report required in the preceding Section, he shall forfeit to the school fund of his County his last quarter's salary of that year, and shall also be liable for all damages caused by such failure.

Penalty for failing to report.

SEC. 27. That he shall, at all times, conform to the instructions of the State Superintendent of Education, as to matters within the jurisdiction of said Superintendent. He shall serve as the organ of communication between the said State Superintendent and school authorities. He shall transmit to school officers, or teachers, all blanks, circulars, and other communications which are to them directed.

SEC. 28. That each County School Commissioner shall receive as compensation for his services, including expenses of transportation within his County, an annual salary of one thousand (1,000) dollars, except the County School Commissioner of Charleston County, who shall receive an annual salary of twelve hundred (1,200) dollars, payable quarterly by the Treasurer.

Salaries of Commissioners.

SEC. 29. The County Treasurer shall pay over all moneys by him received, which shall have been assessed by virtue of the vote of any district meeting, as hereinafter provided for, in the County in which such District is situated, on the order of the Clerk of the Board of Trustees of said District, countersigned by the County School Commissioner, to be used for the purpose directed by the District meeting so held. Said money shall be assessed and collected at the time, and in the manner that County taxes are assessed and collected; and if the inhabitants of any School District, at their annual District meeting, shall fail to provide for the raising of such tax, then the County School Commissioner of the County in which such District is situated, shall be required to withhold from said District that part of the State appropriation derived from the revenue of the State, and to apportion and distribute the same to the other Districts of the County which have complied with the requirements of this Act: Provided, That in School Districts where there are less than one hundred children between the ages of six and sixteen, the inhabi-

Disposition of moneys assessed by District meetings.

State appropriation withheld for failure.

A. D. 1871.

County Commissioners shall create School Districts.

tants may raise such a sum, per child, as will be sufficient to maintain their schools.

SEC. 30. That it shall be the duty of each County School Commissioner, immediately after the passage of this Act, to divide his County into convenient School Districts, for all purposes connected with the general interest of education, and re-District the same, whenever, in his judgment, the general good requires it. And every School District organized in pursuance of this Act, shall be a body politic and corporate, by the name and style of School District No. —, (such a number as may be designated by the County School Commissioner,) of ——— County, (the name of the County in which the District is situated,) State of South Carolina, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this Act, all of which shall be used exclusively for school purposes. Each School District shall be confined to the management and control of the Board of School Trustees hereinafter provided for, who shall hold their office for two (2) years, and until their successors are appointed and qualified, and the said Trustees shall be exempt from militia and road duty, and payment of poll tax.

County Board of Examiners.

SEC. 31. That there shall be, in each County, a Board of Examiners, composed of the County School Commissioner, who shall, *ex officio*, be Chairman, and two other members, who shall be appointed by the County School Commissioner—shall hold office for the term of two years from the time of their appointment; but no person shall be appointed a member of the County Board of Examiners, who is not competent to teach a first grade school.

Shall issue certificate.

It shall be the duty of the County Board of Examiners to examine all candidates for the profession of teacher, and to give to each person found qualified a certificate, setting forth the branches of learning he or she may be capable of teaching. Such examination to be renewed every year, and no teacher shall be employed in any of the common or public schools, without a certificate from the County Board of Examiners, or the State Superintendent of Education.

Meetings of same.

SEC. 32. That the Board of County School Examiners shall meet at least twice a year, at such places, and at such times, as the County School Commissioner shall appoint; that the County School Commissioner shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and a register of the name, age, sex, color, residence and date of certificate of each person to whom certificate is issued, and in case a certificate be cancelled, shall make a proper entry of the same.

Appointment of School Trustees.

SEC. 33. It shall be the duty of each County Board of School Examiners to appoint for each and every School District in their County three School Trustees, who shall hold their office for two years, whose duty shall be as hereinafter prescribed; and they shall have power to fill, from time to time, all vacancies which may occur in their respective School Districts in Boards of School Trustees in their County.

Oath.

SEC. 34. That the said Trustees, within fifteen (15) days after their appointment, shall take an oath or affirmation faithfully and impartially to discharge the duties of their office, which oath the members are authorized to administer to each other.

SEC. 35. That it shall be the duty of the said Trustees, any two of

whom shall constitute a quorum, to meet as soon and often as practicable, after having been appointed and qualified, at such place as may be most convenient in the District, and at their first meeting they shall organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees, and shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings by the Clerk of the Board.

A. D. 1871.

Organization of the Board of Trustees.

SEC. 36. That it shall be the duty of the Trustees in each School District to take the management and control of the local educational interests of the same, subject to the supervision of the County School Commissioner, and to visit the school at least once in every month during the school term.

Shall visit the schools and control the interests of the same.

SEC. 37. That it shall be the duty of the Trustees in the several School Districts to make, or cause to be made, once in two years, in each School District, by the first day of September, an enumeration of all the children between the ages of six (6) and sixteen (16) years, resident within such School District, distinguishing between male and female, white and colored; and the Clerk of said Board of Trustees shall return to the County School Commissioner a duplicate return of the same. Each School Trustee shall receive five (5) cents *per capita* for each child enumerated by him; the account for which shall be audited by the County School Commissioner, and paid, according to law, by the County Treasurer, out of the school fund of the School District wherein the enumeration was made: Provided, That in case the enumeration of the scholastic population of any School District is not made, as provided for in this Act, by that time, the County Board of School Examiners is herewith authorized to appoint new Trustees for such School District, unless for good and sufficient cause the Trustees have failed to act.

Enumeration of children.

Compensation for such enumeration.

Proviso.

SEC. 38. It shall be the duty of the Board of Trustees to hold a regular session in their School District at least two weeks before the commencement of any or every school term, for the transaction of any and all business necessary to the prosperity of the school, with power to adjourn, from time to time, and to hold special meetings at any time or place.

Trustees' meetings—when and how often to be held.

SEC. 39. That the Board of Trustees shall have power to establish and make all arrangements for the common schools of Districts, and to make the same comfortable, paying due regard to any school house already built, or site procured, as well as to all other circumstances proper to be considered, so as to best promote the educational interest of their District. They shall employ teachers from among those having certificates, and discharge the same when good and sufficient reasons for so doing present themselves; but they shall employ no person to teach in any of the schools under their supervision unless such person shall hold, at the time of commencing his or her school, a certificate to teach, granted by the County Board of School Examiners, or by the State Superintendent of Education.

Shall establish schools, and employ teachers having certificates.

SEC. 40. That should the Board of Trustees be unable otherwise to procure sites for school houses, they are hereby authorized to appoint a jury of view of five (5) legal voters of the County, who shall locate said site as the public interest may require; but, except in a city, town or village, said site shall not be located within two hundred (200) yards of the dwelling of the owner of the land taken for said site without his consent, given in

Sites of school houses—how to be procured.

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writing. The said jury shall assess the value of the same, and report their action to the Board of Trustees, who shall secure the title and pay for the site, as decided by the jury of view, out of any moneys available for that purpose; and, upon such payment, the title shall immediately vest in the Trustees and their successors in office.

Penalty for
interference
with jury of
view.

SEC. 41. That if any person or persons shall threaten, or in any manner interfere with the jury of view herein directed to be appointed, while discharging the duties herein prescribed, he or they, separately or conjointly, shall be deemed guilty of a misdemeanor, and, on conviction in any Court of competent jurisdiction, be fined not more than two hundred dollars, or be imprisoned not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the Court; and any moneys accruing from such fines shall be added to the school fund of the School District wherein the guilty party or parties reside.

Transfer of
scholars—how
supported.

SEC. 42. That when it shall so happen that persons are so situated as to be better accommodated at the school of any adjoining School District, or whenever it may be desirable to establish a school composed of parts of two or more School Districts, it shall be the duty of the respective Boards of Trustees of the School Districts in which such persons reside, or in which such schools may be situated, or of the School Districts, or the parts of which the school is to be composed, to transfer such persons for education to the School District in which such school house is or may be located; but the enumeration of scholars shall be taken in each District as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective School Districts from which the scholars may have been transferred.

Length of
school year.

SEC. 43. That the school year shall continue for a period of nine months, commencing and ending as, in the opinion of the County Board of Examiners, will best subserve the educational interest of their County, but the County School Commissioner shall have power to limit the school year, according to the school fund apportioned to his County.

Duties of
teachers.

SEC. 44. That it shall be the duty of each school teacher to make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in each of said branches, and such other statistics as he or she may be required to make by the County School Commissioner; and until such report shall have been certified and filed by the said teacher, as aforesaid, it shall be the duty of said Board of Trustees to require the same, and forward to the County School Commissioner, before said teacher can draw pay for his or her services. On the filing of the teacher's report, the Clerk of the Board of Trustees shall draw an order in duplicate on the County Treasurer for the amount due each teacher, which order shall be countersigned by the County School Commissioner, who shall file the duplicate in his office.

SEC. 45. That the State Superintendent of Education, or any County School Commissioner, or School District Board of Trustees, may receive, in behalf of the State Board of Education, any gift, grant, donation or devise of any school house, or site for a school house, or library for the

use of any school or schools, or other school purposes within the State, and are hereby invested with the care and custody of all school houses, sites, or other property belonging to the State Board of Education within the limits of their jurisdiction, with full power to control the same in such manner as they may think will best subserve the interests of common schools and the cause of education, subject to the control of the State Board of Education.

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Charleston City Board of School Commissioners.

SEC. 46. That it shall be the duty of the School Commissioner of Charleston County to organize, in all those Districts outside of the city of Charleston, formerly known as Parishes, a suitable number of schools, as soon as practicable after the passage of this Act. He shall also visit said schools not less than three times during each year, and shall perform such other duties as are prescribed for County School Commissioners in this Act. Upon failure or neglect to discharge the duties imposed upon him by this Section, when reported to the State Superintendent of Education, the said State Superintendent is hereby empowered to take such measures as, in his judgment, may be necessary to enforce the faithful performance of duty on the part of said School Commissioner.

Duties of the School Commissioner of Charleston County.

SEC. 47. The School Commissioner of the County of Charleston shall have jurisdiction only over the schools and all educational interests outside of the corporate limits of the city of Charleston.

Jurisdiction.

SEC. 48. That at the next regular municipal election in the city of Charleston, and at every regular municipal election held thereafter, one School Commissioner shall be elected by the legal votes of each ward, who shall continue in office until his successor is elected and qualified. The School Commissioners so elected shall constitute a School Board, and they may assemble at any time and elect a Chairman and Clerk, and Superintendent of City Schools, whose term of office, duties and compensation shall be prescribed by said Board, but his term of office shall not exceed that of the Board electing him. The duties of the Board aforesaid shall be the same as those of the Board of School Trustees for the several School Districts, in addition to which they shall, on or before the first day of October, forward to the State Superintendent of Education an annexed report of all matters connected with the school interests of the city of Charleston, as are required of each County School Commissioner. They shall also have power to levy and cause to be collected, as other city taxes are, a sum not to exceed one and one-half of one mill on the dollar on all taxable property in said city of Charleston; and the money so collected shall be placed in the City Treasury, subject to the order of said City Board of School Commissioners.

Charleston School Board—how elected

Duties of Board.

Shall impose a tax.

SEC. 49. An annual meeting of each School District shall be held on the last Saturday of June, of each year, at 12 o'clock M., notice of the time and place being given by the Clerk of the Board of Trustees, by posting written or printed notices in three public places of the District at least ten days before the meeting.

District meetings—when to be held.

Special meetings may be called by the Board of Trustees, or by a majority of the legal voters of the District; but notice of such special meeting, stating the purposes for which it is called, shall be posted in at least three public places within the District, ten days previous to the time

Purpose of District meetings.

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of such meeting. And no business shall be acted upon at any special meeting not specified in said notice.

Qualifications of electors.

SEC. 50. The following persons shall be entitled to vote at any District meeting, viz :

All persons possessing the qualifications of electors, as defined by the Constitution of this State, and who shall be residents of the District at the time of offering to vote at said meeting.

Powers of a school meeting.

SEC. 51. The inhabitants qualified to vote at a school meeting, lawfully assembled, shall have power :

1st. To appoint a Chairman to preside over said meeting.

2d. To adjourn from time to time.

3d. To choose a Clerk, who shall possess the qualification of a voter.

4th. To raise by tax, in addition to the amount apportioned by the State to their use, such further sums of money as they may deem proper for the support of public schools, said sum not to be more than three dollars for every child in the District between the ages of six and sixteen, as ascertained by the last enumeration, said sum to be collected by the County Treasurer, and to be held by him subject to the order of the Trustees, countersigned by the County School Commissioner, such sums of money to be used as shall be agreed upon at the meeting, either for the pay of teachers' salaries or to purchase or lease sites for school houses; to build, hire or purchase such school houses; to keep them in repair, and furnish the same with necessary fuel and appendages; or to furnish black-boards, outline maps and apparatus for illustrating the principles of science, or to discharge any debts or liabilities lawfully incurred.

5th. To give such direction and make such provisions as may be deemed necessary, in relation to the prosecution or defence of any suit or proceeding in which the District may be a party.

6th. To authorize the Board of Trustees to build school houses, or rent the same; to sell any school house site, or other property belonging to the District, when the same shall no longer be needed for the use of the District.

7th. To alter or repeal their proceedings, from time to time, as occasion may require, and to do any other business contemplated in this Act.

SEC. 52. That an Act entitled "An Act to establish and maintain a system of free common schools for the State of South Carolina," approved February 18, 1870, be, and the same is hereby, repealed.

SEC. 53. That this Act shall take effect from its passage.

Approved March 6, 1871.

No. 347. AN ACT TO INCORPORATE THE CHARLESTON RIFLEMEN CLUB

Declared a body corporate.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Charleston Riflemen Club, of Charleston, and the several persons who now are, or hereafter may be, officers and members thereof, and their successors, officers and members, be, and they are hereby, declared to be a body corporate and politic, by the name and style of the Charleston Riflemen Club.

SEC. 2. That the said corporation hereby created and established, shall have succession of officers and members, according to its by-laws, and shall have power to make all necessary by-laws not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any of the Courts of this State, and to have and enjoy every right, power and privilege incident to such corporation; and it is hereby empowered to take, hold, retain, possess and enjoy all such property, real and personal, as it may acquire by purchase, right, devise or bequest, or in any other manner, whatsoever, and the same, or any part thereof, to sell, alien, incumber, mortgage, or convey, at the will and pleasure of such corporation: Provided, That the amount of property, real and personal, so held, shall not, at any one time, exceed the sum of ten thousand dollars.

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Corporate
rights and
privileges.

May hold
property.

Amount.

SEC. 3. That this Act shall continue in force for the space of fourteen years, and until the meeting of the next General Assembly thereafter, and that the same be taken and deemed a public Act, and may be given in evidence without being specially pleaded.

Approved March 6, 1871.

AN ACT TO ALTER AND RENEW THE CHARTER OF THE TOWN OF DARLINGTON.

No. 348.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate certain towns and villages," approved on the 28th day of January, A. D. one thousand eight hundred and sixty, be, and the same is hereby, altered and amended as follows, to wit: That from and after the passage of this Act, all and every person or persons, who shall have resided in the corporate limits of the village of Darlington for two months, are hereby declared to be members of the corporation hereby to be created.

SEC. 2. That the said persons shall, from and after the passage of this Act, become a body politic and corporate, and shall be known and called by the name of the "Town of Darlington," and its corporate limits shall extend one and one-half mile from the Court House, except on the North, North-East, East and North-West sides, which shall be bounded by Swift Creek and Indian Branch.

Limits of
town.

SEC. 3. That the said town shall be governed by an Intendant and four Wardens, who shall have resided in the State for one year, and within the limits of the corporation for sixty days immediately preceding their election. The said Intendant and Wardens shall be elected on the second Monday of the month of April in each year, ten days' notice being previously given, and shall continue in office one year, and until the election and qualification of their successors; and all male inhabitants of the said town, who shall have attained the age of twenty-one years, and resided therein two months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Intendant
and Wardens.

How and
when to be
elected.

Electors.

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Election—
when to be
held.

SEC. 4. That the said election shall be held in some convenient public place in said town, from six o'clock in the morning until six o'clock in the evening, and when the polls shall be closed the Managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall always appoint the Managers to conduct the election, who, before they open the polls for the said election, shall take an oath fairly and impartially to conduct the same; and the Intendant and Wardens, before entering upon the duties of their offices, respectively, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Darlington, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to said Town Council the sum of twenty dollars for the use of said town: Provided, That no person, who has attained the age of sixty years, shall be compelled to serve more than one year in any term of three years.

Oath of office.

Vacancy—
how filled.

SEC. 5. That in case any vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of Intendant or Warden (or Wardens, as the case may be,) ten days' previous notice being given, and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their own number to act as Intendant during the time.

Judicial
powers.

Town Council,
and their
powers and
privileges.

SEC. 6. That the Intendant, or acting Intendant, after being duly elected and qualified, shall, during his term of service, be vested with all the powers heretofore granted in this State to Magistrates. And the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom shall, with the Intendant, or any three Wardens, constitute a quorum to transact business, and they shall be known by the name of the Town Council of Darlington; and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, may plead and be impleaded, in any Court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real or personal or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the Intendant and Wardens shall have full power to make and establish all such rules, by-laws and ordinances respecting the roads, streets, market and police of said town as shall appear to them necessary and requisite for the security, welfare and convenience of said town, or for preserving health, order, peace and good government within the same. And all the by-laws, rules and ordinances the said Council may make shall, at all times, be subject to revisal or repeal by the General Assembly of this State. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of said corporation: Provided, That no punishment shall exceed fifty dollars, or thirty days' imprisonment.

By-laws, rules
and regula-
tions.

Capital.

Licenses.

SEC. 7. That the Intendant and Wardens of said town shall have full

and only power to grant or refuse licenses to keep taverns or retail spirituous liquors within the corporate limits of said town, upon such conditions, and under such circumstances, as to them shall seem right and proper: Provided, That, in no instance, shall the price of a license to keep tavern or to retail spirituous liquors be fixed at a less sum than is established by the laws of this State; and all moneys paid for licenses, and for fines and forfeitures, for retailing spirituous liquors, keeping tavern and billiard tables within the said limits without licenses, shall be appropriated to the public uses of said town: Provided, That the Intendant and Wardens duly elected and qualified shall not have power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they have been elected.

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Proviso.

SEC. 8. That it shall be the duty of the Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair. They shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they, by ordinance, shall establish, the moneys so received to be applied to the public use of said town; and all persons refusing or failing to pay such commutation shall be liable to such fine, not exceeding twenty dollars, as the Town Council may impose.

R o a d s
streets, &c.Commuta-
tion for pub-
lic labor.

SEC. 9. The said Town Council shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, Nothing herein contained shall extend to sales by Sheriff, Clerk of Court, Judge of Probate, Coroner, Executor or Administrator, Assignee in Bankruptcy, or by any of the persons out of the order, decree of any Court, Trial Justice, or other inferior Court.

Regulate
sales at auc-
tion.

SEC. 10. They shall also have power to impose an annual tax, not exceeding fifty cents on every hundred dollars of the assessed value of real and personal estate lying within the corporate limits of said town, the real and personal estate of churches and school associations excepted. The said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in the said town, to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for the rates of storage thereof, and for keeping and delivering the same. The said Council shall have power to enforce the payment of all taxes levied under authority of this Act, against the property and person of all defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general taxes, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal or other person especially appointed by the Town Council to collect the same; and all property upon which a tax shall be levied is hereby declared and made liable for the payment thereof in preference to all other debts against the said property, except debts due to the State, which shall be first paid.

May impose
an annual tax.P o w d e r
magazine.How to en-
force the pay-
ment of taxes.

SEC. 11. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the town as they shall deem necessary, by the sale of the freehold therein, either at public or private sale, as they may adjudge best for the interest of the said town; and they shall have power to lay out, adopt, open and keep in repair, all such new streets, roads and ways in the town as they may deem necessary for the improvement and convenience of the

New streets
and roads.

A. D. 1871.

said town : Provided, That no new street, road or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

Appoint
Constables.

SEC. 12. That the said Town Council shall have power, and are hereby authorized, to elect three or more Marshals, (in addition to the Sheriff of Darlington, who shall also be a Marshal of the said town,) to fix their salaries and prescribe their duties, who shall be sworn in and invested with all the powers, and subjected to all the duties and liabilities that Constables now have or are subjected to by law, in addition to the duties and liabilities specially conferred and imposed upon them by the Town Council : Provided, That their jurisdiction shall be confined within the limits of the said town.

Market house

SEC. 13. That the said Town Council shall have power to erect a market house, and provide regulations for the same: Provided, That no market house is erected upon the public squares, so as to endanger by its proximity or the material of which it is constructed, any other public building, and they shall also have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same; and until such guard house shall be established, they shall be authorized to use a room in the common jail of Darlington County for the confinement of all persons who may be subject to be committed for violation of any ordinance of the town, passed in conformity to the provisions of this Act; and the said Town Council may, by ordinance, or the said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to said guard house or jail of Darlington County, as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of the said town, or any of them; and it shall be the duty of the Marshals to arrest and commit all such offenders, when required to do so, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon failure of the Town Marshal to perform such duty as required, they shall, severally, be subject to such fines and penalties as the Town Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as provided by this Act for the collection of fines imposed for violation of ordinances: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he may have been committed.

Their pow-
ers for pre-
serving order
and public
peace.

Proviso.

SEC. 14. That the said Town Council shall have the power to collect the taxes from all persons representing publicly, within the corporate limits, for gain or reward, any plays or shows, of any kind whatever, to be used for the purpose of said town.

Disposition
of fines.

SEC. 15. That all the fines which shall hereafter be collected for retailing without license within the corporate limits of the said town, shall be paid, one-half to the informer, and the other half to the Council, for the use of the said town.

SEC. 16. That the said Town Council shall have power to abate all

nuisances within their corporate limits, and also to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the duties and powers of said Board, and to impose fines and penalties upon the members of the said Board for neglect of duty or refusal to serve: Provided, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars. The said Town Council of Darlington shall have power and authority to require the owner or owners of any lot or lots in the said town to keep the streets in front of the said lot or lots clean of all filth and rubbish, and also to make and keep in good repair sidewalks in front of said lot or lots where the same shall front on or adjoin any of the public streets of the said town, if, in the judgment of the said Town Council, such sidewalks shall be necessary; the width thereof, and the manner of their construction, to be designated and regulated by the said Town Council; and for default or refusal on the part of such owner or owners to keep the said streets clean, or to make and keep in repair such sidewalks, whenever required, the said Town Council may cause the said streets to be cleaned, or such sidewalks to be made and kept in repair, and require such owner or owners to pay the costs and expenses thereof: Provided, however, That contracts for cleaning the said streets, making and putting in repair such sidewalks, shall be let to the lowest bidder.

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Abate nuisances.

Fines and penalties.

Sidewalks.

Proviso.

SEC. 17. That the said Town Council shall have power to borrow money for the public use of the corporation, by issuing, from time to time, as occasion may require, the bonds of the corporation, bearing interest at a rate not to exceed seven per centum a year, to be paid semi-annually, for an amount not to exceed five thousand dollars; and for the payment of the interest and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall at all times be liable: Provided, That the private property of the inhabitants of the said town shall be bound for the redemption of said loan in no other way than by the imposition of an annual tax, according to the provisions of this Act.

Town Council may borrow money and issue bonds.

SEC. 18. That the Intendant and Wardens elect shall, during their term of office, be exempt from street duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their term, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and papers incidental to their office to their successors; and on failure to do so, they shall be liable to be fined in a sum not exceeding one hundred dollars, to be collected in any proper action by the Town Council.

Shall turn over books, &c., to their successors.

SEC. 19. That for any willful violation or neglect of duty, malfeasance in office, abuse or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment as prescribed in the preceding Section, besides being liable for damages to any person or persons injured.

Neglect of duty of Town Council—how punished.

SEC. 20. That all ordinances heretofore passed by the Town Council of Darlington, in conformity with the authority granted by such existing laws as do not conflict with the Constitution of the State, shall be, and they are hereby, declared legal and valid.

SEC. 21. That all Acts, and parts of Acts, heretofore passed, in relation

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to the incorporation of the town of Darlington, be, and the same are hereby, repealed

SEC. 22. This Act shall be deemed a public Act, and continue in force until amended, altered or repealed.

Approved March 6, 1871.

- No. 349. AN ACT TO CHANGE THE NAME OF THE GAP CREEK AND MIDDLE SALUDA TURNPIKE COMPANY, AND TO AMEND AND RENEW THE CHARTER THEREOF.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Gap Creek and Middle Saluda Turnpike Company be, and the same is hereby, amended in such manner that the said Company shall hereafter be known by the name of "The Middle Saluda Turnpike Company."

Middle Saluda Turnpike Company.

SEC. 2. That the said charter (except as herein excepted) be renewed as to all the rights, powers and duties of said Company, and in all other respects, for the period of thirty years.

Approved March 6, 1871.

- No. 350. AN ACT TO PROMOTE THE CONSOLIDATION OF THE GREENVILLE AND COLUMBIA RAILROAD COMPANY AND THE BLUE RIDGE RAILROAD COMPANY.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to amend the charter of the Greenville and Columbia Railroad Company," passed by the General Assembly of this State on the 20th day of December, 1858, be, and the same is hereby, re-enacted, with the following amendments or alterations:

SEC. 2. That for the purpose of extending, or building, or constructing a Railroad from Greenville, all of the provisions of Sections 9, 10, 11 and 12 of an Act entitled "An Act to authorize the formation of the Greenville and Columbia Railroad Company," passed on the 15th day of December, in the year 1845, be, and the same are hereby, re-enacted, with the following amendments or alterations:

May extend their road to Knoxville and Asheville.

SEC. 3. That the Greenville and Columbia Railroad Company is authorized, so far as practicable, to purchase, connect or unite with any connecting Railroad or Railroads, and especially to extend Railroad communication to Knoxville, Tennessee, and to Asheville, in North Carolina: Provided, That if the Greenville and Columbia Railroad Company shall fail to construct and finish the said Railroad, including such other Railroad or Railroads as it may unite with or acquire, to the line between this State and North Carolina and Tennessee, within five years from the final passage of this Act, the right to further construct said Railroad to Knoxville, and to Asheville, shall cease, and the time lim-

Time limited for completion.

ited therefor is hereby extended five years from the final passage of this Act; but this limitation shall not impair nor affect any rights, or any Railroad or Railroads acquired, united with, or constructed, so far as acquired, united with or constructed, at the end of the time hereby limited, nor shall anything contained in this Act impair or limit the right or privilege to consolidate or unite with any Railroad or Railroads under any General Railroad law or laws. That the said Greenville and Columbia Railroad Company shall have power to construct and build, upon the most practicable route, a branch of their road, from some point on the line of their road, at or east of Anderson Court House, and west of the Saluda River, to Aiken or Hamburg, and there connect with any Railroad incorporated under the laws of this State; and, also, shall have the power to construct and build, upon the most practicable route, a branch of their road from Abbeville Court House to the Savannah River, in the direction of Washington, Georgia; also, that the said Company shall have the power to construct and build, upon the most practicable route, a Railroad from Spartanburg Court House to the North Carolina line, in the direction of Asheville, or Rutherfordton, North Carolina.

SEC. 4. That, in view of the consolidation of the Greenville and Columbia Railroad Company and the Blue Ridge Railroad Company, the action of the said Blue Ridge Railroad Company in making the bonds authorized under the Act of September 15, 1868, and of the Comptroller-General of the State in endorsing the same, and thereby pledging the faith and funds of the State to the payment of said bonds, is hereby ratified and confirmed; and that the making and execution by said Blue Ridge Railroad Company and said other Companies of the mortgage aforesaid to Henry Clews, Henry Gourdin and George S. Cameron, to secure the payment of the bonds aforesaid, is also ratified and confirmed; and said mortgage is declared to be a lien prior to that of the State on all property described in said mortgage, and on the entire line of the road aforesaid, and on all the properties of said several Companies, or which they, or either of them, may hereafter acquire; but nothing in this Act contained shall be construed to divest the State of its lien on the estate and property of the said several Railroad Companies, or of either of them, for its endorsement of the bonds aforesaid, but said lien is postponed to, and declared to be subject and subordinate to, that of the mortgage, hereinbefore mentioned, to Henry Clews, Henry Gourdin and George S. Cameron, Trustees.

SEC. 5. That all statutory or other liens or lien, encumbrances or encumbrance, equities or equity, except the mortgage encumbrances now upon the property, assets, effects, rights and franchises of said Greenville and Columbia Railroad Company, or any part thereof, and also except the mortgage herein authorized, shall be, and are, or is hereby, made subsequent to the mortgage encumbrances now in existence thereon, and subsequent to the one herein authorized, so that the holders of the bonds secured by said mortgages, or either of them, shall have a lien and security as between each other, according to the time said mortgages have been or shall be recorded, and a prior lien to all other liens or encumbrances whatsoever, any law or laws to the contrary notwithstanding.

SEC. 6. The following clause in Section 2 of the Act of September 15, 1868, to authorize additional aid to the Blue Ridge Railroad Company, in South Carolina, viz: "And further provided, That the said bonds, or

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Shall not impair rights, &c.

May build a branch of their road to Aiken.

Also to Washington, Georgia.

And to the North Carolina line.

Confirming the making of bonds and their endorsement by the Comptroller-General.

Also mortgage to Henry Clews and others.

State lien subject to aforesaid mortgage.

Determining priority of liens, &c.

Repeal of Section 2 of Act of Sept. 15, 1868.

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Bonds held
by companies
severally to
be endorsed
jointly.

On failure
to pay its
debt, Comptroller-
General to take
possession of
road.

any part thereof, shall not be used, unless upon the express condition that upon application to the Congress of the United States, or to private capitalists, the amount of three millions of dollars in currency, or so much of that sum as may be necessary, shall be furnished in exchange, or upon the security of said bonds," is hereby repealed.

SEC. 7. That after the consolidation of the Greenville and Columbia Railroad Company with the Blue Ridge Railroad Company, the bonds now held by the Greenville and Columbia Railroad Company and the Blue Ridge Railroad Company shall be endorsed by the consolidated Company.

SEC. 8. That if said consolidated Company shall fail to pay its interest on its guaranteed debt for two years, it shall be the duty of the Comptroller-General of the State, and he shall have the power, to take immediate possession of said Road, with all its appurtenances, and lease the same to responsible parties, who shall have control thereof until the General Assembly shall, by law, provide for the settlement of the affairs of said Company in the interest of all its creditors.

SEC. 9. That the said Greenville and Columbia Railroad Company, and the Blue Ridge Railroad Company, shall forever continue and be a body corporate, capable of suing and being sued in any Court of competent jurisdiction.

SEC. 10. That all Acts or parts of Acts, inconsistent with this Act, or any part thereof, are, for the purposes of this Act, but for no other purpose, hereby amended, modified, or repealed, as the case may require, so as to conform to the true intent and meaning of this Act.

SEC. 11. This Act shall take effect immediately.

Approved March 6, 1871.

No. 351. AN ACT TO MAKE APPROPRIATION AND RAISE SUPPLIES FOR THE FISCAL YEAR COMMENCING NOVEMBER 1, 1870.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the various officers and expenses of the State Government, that is to say:

For Salaries.

Salaries of
Executive
and Judicial
officers.

For the Governor, three thousand five hundred dollars; for the Secretary of State, three thousand dollars; for Clerk to Secretary of State, one thousand dollars; for the Private Secretary of the Governor, two thousand dollars; for the Adjutant and Inspector-General, two thousand five hundred dollars; for the Comptroller-General, three thousand dollars; for Clerk to the Comptroller-General, fourteen hundred and ninety-nine dollars; for the State Treasurer, two thousand five hundred dollars; for the Chief Clerk to the State Treasurer, fifteen hundred dollars; for a Book Keeper to the State Treasurer, eighteen hundred dollars; for Auditor of State, two thousand five hundred dollars; for the State Auditor's Clerk, one thousand five hundred dollars; for the Super-

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intendent of Education, two thousand five hundred dollars; for the Clerk to the Superintendent of Education, one thousand dollars; for the Chief Justice of the Supreme Court, four thousand dollars; for the two Associate Justices, seven thousand dollars; for the eight Circuit Judges, twenty-eight thousand dollars; for the eight Circuit Solicitors, eight thousand dollars; for the Attorney-General, three thousand dollars; for the Attorney-General's Clerk, one thousand dollars; for the Clerk of the Supreme Court, who shall perform the duties of Librarian of said Court, fifteen hundred dollars; for the State Reporter, fifteen hundred dollars; for the Keeper of the State House and State Librarian, one thousand dollars; for the Superintendent of the South Carolina Penitentiary, two thousand dollars; for the three Health Officers, three thousand nine hundred dollars; for the Watchmen of the State House and Grounds, six hundred dollars each; for the County Auditors, thirty-one thousand five hundred dollars; for the Clerk to the Auditor of the County of Charleston, one thousand dollars, and five hundred for additional clerical service; for the three Code Commissioners, ten thousand five hundred dollars; for the Governor's Messenger, three hundred dollars; for the County School Commissioners, thirty-one thousand five hundred dollars.

Executive Department.

SEC. 2. For the Contingent fund of the Governor, twenty thousand dollars, out of which shall be paid the expenses of the Bureau of Agricultural Statistics, to be drawn upon the order of the Governor; for the Contingent fund of the Treasurer, two thousand dollars, one thousand dollars of which, if so much be necessary, for fitting up the office of the State Treasury; for the Contingent Fund of the Attorney-General, five hundred dollars; for the Contingent Fund of the Comptroller-General, five hundred dollars; for the Contingent Fund of the State Auditor, five hundred dollars; for the Contingent Fund of the Adjutant and Inspector-General, five hundred dollars; for the Contingent Fund of the Superintendent of Education, five hundred dollars; for the Contingent Fund of the Secretary of State, five hundred dollars; for the Contingent Fund of the State Librarian, one hundred and fifty dollars. The above appropriations to be drawn on the order of the heads of the several departments, if so much be necessary.

Contingent funds.

Judiciary Department.

SEC. 3. For the purchase of Books for the Supreme Court Library, one thousand dollars, if so much be necessary, to be drawn on the order of the Chief Justice; for Contingent Expenses of the Supreme Court, under Section 7 of an Act ratified the 18th day of September, 1868, five hundred dollars; for an attendant on the Library, and the rooms of the Supreme Court, eight hundred dollars, to be paid quarterly on the warrant of the Chief Justice on the Treasury, the said attendant to be appointed by, and removable at the pleasure of, said Court.

Judiciary Department.

Ordinary Civil Expenses.

SEC. 4. For the interest on public debt, (\$482,594.40) four hundred and eighty-two thousand five hundred and ninety-four dollars and forty cents;

Ordinary civil expenses

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for the support of the Lunatic Asylum, thirty thousand dollars, to be drawn on the order of the Governor; for the support of the State Orphan Asylum, ten thousand dollars, to be paid in accordance with the law establishing the same; for the quarantine expenses, three thousand dollars; for the Keeper of the Lazaretto, eight hundred dollars, to be drawn on the order of the Comptroller General, accounts to be first approved by the Governor; for the Physician of the Charleston Jail, one thousand dollars; for transportation and clothing for discharged convicts, three hundred dollars; for the Catawba Indians, one thousand five hundred dollars; for current printing of the General Assembly, thirty thousand dollars, if so much be necessary, to be paid on the order of the Clerks of both Houses; for payment of claims passed by the General Assembly, fifty thousand dollars, if so much be necessary; for deficiency for Legislative expenses, fifty thousand dollars, if so much be necessary; for deficiency for payment of Commissioners and Managers of Elections, ten thousand dollars, if so much be necessary, to be paid in the usual manner.

Extraordinary Expenses.

Extraordinary expenses.

SEC. 5. For past dues for construction and for continuing the construction of the South Carolina Penitentiary, eighty thousand dollars, to be paid on the order of the Governor; for repairs on the University buildings, six thousand dollars, to be paid on the order of the Governor; for indexing the records of the Surveyor's office, two thousand dollars, to be paid upon the order of the Secretary of State.

Educational Department.

Educational Department.

SEC. 6. For the support and maintenance of Free Common Schools, one hundred and fifty thousand dollars, in addition to the capitation tax: Provided, That said sum of one hundred and fifty thousand dollars be apportioned among the several Counties of the State, in proportion to the number of children between the age of six and sixteen; further, that each County shall be entitled to the amount of the poll tax raised in said County; for the support of the South Carolina University, twenty-five thousand dollars; for the support of the South Carolina Institution for the education of the deaf and dumb and the blind, ten thousand dollars, to be paid on the order of the Governor; for books already purchased by the State for the use of the Common Schools of this State, thirty-four thousand and twenty dollars and fourteen cents, (\$34,020.14,) to be paid on the order of the Superintendent of Education; for purposes indicated in the 7th Section of Act approved March 9, 1869, five thousand dollars.

Military Expenses.

Military expenses.

SEC. 7. For defraying the expenses of the military, ten thousand dollars, five thousand of which shall be used for fitting up the Military Hall, in the city of Charleston; one thousand for repairing and fitting up the Arsenal in Beaufort, to be disbursed by the Adjutant and Inspector General upon the order of the Governor.

SEC. 8. That all taxes assessed and payable under this Act, shall be paid in the following kind of funds, viz: Bills receivable of the State, United States Currency, National Bank Notes, gold or silver coin.

Approved March 7, 1871.

A. D. 1871.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF SPARTANBURG, GREENVILLE, PICKENS AND OCONEE, AND THE AUTHORITIES OF CERTAIN TOWNS IN THOSE COUNTIES, TO PROVIDE MEANS TO MEET INTEREST ON CERTAIN BONDS.

No. 352.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of the Counties of Spartanburg, Greenville, Pickens and Oconee, and the proper authorities of the several cities and towns in those Counties having subscribed, or proposing subscription, to the capital stock of Atlanta and Richmond Air Line Railway Company, be empowered, as soon as the said Railway Company shall have complied with the terms of subscription of any one of the above mentioned Counties, cities or towns, and said subscription shall have been accepted by said Company, then the County Commissioners of such County, or the proper authority of such city or town, are authorized and required to have levied and collected, from year to year, on all taxable property in such County, city or town, a sum of money sufficient to meet the interest accruing on such bonds as may be issued to meet such subscription to the capital stock of the said Atlanta and Richmond Air Line Railway Company, and to provide further payment of such bonds as they may fall due.

Authorities authorized to levy taxes.

Approved March 7, 1871.

AN ACT DECLARING THE RIGHT OF WAY ACROSS THE SAVANNAH AND CHARLESTON RAILROAD.

No. 353.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John R. Dickinson, E. A. Dickinson, John Jones and Henry A. Smith shall be, and are hereby, authorized to obtain the right of way across the Savannah and Charleston Railroad, in the manner prescribed in an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the construction and uses of railways, and other works of internal improvement," approved the 22d day of September, 1868.

Authorized to obtain right of way.

SEC. 2. That they, the said John R. Dickinson, E. A. Dickinson, John Jones and Henry A. Smith, shall at all times conform with the schedule of the Savannah and Charleston Railroad, and in no instance cross within fifteen minutes of the time any train is due; and it shall be the duty of the Savannah and Charleston Railroad Company to give the said parties, John R. Dickinson, E. A. Dickinson, John Jones and

Change of schedule to be conformed with.

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Henry A. Smith, or their agents, notice in writing, three days in advance, of any change in their schedule: Provided, That the said John R. Dickinson, and others, shall not be allowed to carry passengers.

SEC. 3. All Acts, or parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

No. 354. AN ACT TO RENEW AND AMEND THE CHARTERS OF CERTAIN RELIGIOUS ASSOCIATIONS HERETOFORE GRANTED.

Fairview
Church.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter incorporating the Trustees of Fairview Church, in the County of Greenville, passed December 19, 1848, be, and the same is hereby, renewed in Dr. David R. Anderson, Thomas C. Harrison, David M. Pedén, Wm. D. Hopkins, Cyrus B. Nesbit, and their successors in office, for the term of twenty-one years from the passage of this Act.

Protestant
Episcopal
Church.

SEC. 2. That the charter heretofore granted to the Protestant Episcopal Church, in Greenville, be, and the same is hereby, renewed and extended for the period of fourteen years from the passage of this Act, with all the rights, powers and privileges heretofore granted to said church.

Validating
clause.

SEC. 3. That all acts done, or authorized to be done, by the officers of said churches, since the expiration of their former charter, be, and the same are hereby, declared valid and binding in all respects, and to all intents.

Approved March 7, 1871.

No. 355. AN ACT TO AUTHORIZE AND EMPOWER JAMES C. RUNDLETT TO ESTABLISH A WHARF IN THE TOWN OF BEAUFORT.

Power to con-
struct a wharf

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That James C. Rundlett be, and is hereby, authorized and empowered to erect and build a wharf at the South end of his lot, in the Town of Beaufort, situated at the corner of Bay and Ninth Streets, and to extend the same as far Southward, toward the channel of the River, as may be necessary for commercial purposes, and Eastward across the foot, and to the West line of Ninth Street, and that he be, and is hereby, authorized and empowered to construct and extend Ninth Street, from Bay Street down to said wharf.

In whom
vested.

SEC. 2. That the franchise herein granted shall be vested in the said James C. Rundlett, his heirs, executors, administrators and assigns, for the term of twenty-one years.

SEC. 3. All Acts or parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

AN ACT TO DETERMINE THE DAY OF ELECTION OF THE MAYOR AND ALDERMEN OF THE CITY OF CHARLESTON.

A. D. 1871.

No. 356.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of the charter of the city of Charleston, and the amendments thereto, as determines the day of election, be, and the same is hereby, amended so as to fix the day of election of Mayor and Aldermen for the city of Charleston, on the first Wednesday of August, eighteen hundred and seventy-one, (1871,) and on the first Wednesday of same month in each alternate year thereafter: Provided, That the present Mayor and Aldermen shall continue in office until the day fixed by the charter of the city of Charleston for the qualification of their successors.

SEC. 2. That the Mayor and Aldermen now in office shall continue therein until their successors are elected and qualified.

SEC. 3. That all laws now in force in relation to the election of Mayor and Aldermen of the city of Charleston, except so far as hereby repealed, be and continue in force.

Approved March 7, 1871.

AN ACT TO INCORPORATE THE COLUMBIA, WALTERBORO AND YEMASSEE RAILROAD COMPANY.

No. 357.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John W. Burbridge, John T. Jennings, W. M. Thomas, J. S. Glover, Burril Sanders, Wm. Driffle, G. D. Richardson, Edward Holmes, O. P. Williams, Geo. F. McIntyre, L. J. Maddocks, A. F. O'Brien, Caleb Sauls, E. P. Holmes, Robert Smalls, N. B. Myers, J. J. Klein, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the Columbia, Walterboro and Yemassee Railroad Company.

Persons incorporated.

SEC. 2. That the said Company is hereby authorized to construct a railroad from the town of Branchville, in nearly as direct a line as possible, to the town of Walterboro, and from thence to some point on the Charleston and Savannah Railroad, as near as possible, to the town of Yemassee, on the said Railroad.

Extent of road.

SEC. 3. That, for the purpose of raising the capital stock of the said Company, it shall be lawful to open books in the town of Walterboro, under the direction of John W. Burbridge, J. S. Glover and William Driffle; at the city of Charleston, under the direction John T. Jennings, Wm. M. Thomas and E. P. Holmes; at the city of Columbia, under the direction of Geo. F. McIntyre, G. D. Richardson and Edward Holmes, for the purpose of receiving subscriptions, to an amount not exceeding one million five hundred thousand dollars, in shares of one hundred dollars each, for the purpose of constructing the Railroad provided for by this Act.

Subscriptions—how raised.

SEC. 4. That the times and places for receiving such subscriptions shall be fixed by the Commissioners in the town of Walterboro, or a majority

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of them, and shall be advertised for thirty days in one or more newspapers in this State; and the books for receiving such subscriptions shall be kept open for sixty days at each of the places where the same shall be opened.

How payments on shares may be made.

SEC 5. That on each share of the stock subscribed, the subscriber shall pay to the Commissioner receiving such subscription the sum of five dollars, who shall deposit the same in some National Bank; and no subscription shall be valid without such payment; and at the expiration of the time hereby prescribed for keeping open the books, the said Commissioners shall make a return of the subscriptions taken by them, and the sums paid thereon, to the Commissioners in the town of Walterboro.

When Company may commence business.

SEC. 6. That when the sum of two hundred and fifty thousand dollars shall be subscribed in the manner herein prescribed, the said Company may meet and organize at such time and place as may be designated by a majority of the Commissioners herein named for the town of Walterboro, due notice having first been given.

Corporate powers.

SEC. 7. That, for the purpose of organizing and forming this Company, all the powers conferred by the original charter of the Northeastern Railroad Company on the Commissioners therein named shall be vested in the Commissioners named in this Act, each subscriber being entitled to a vote for each share of stock: Provided, That nothing herein contained shall be so construed as to exempt the said Company from the payment of taxes, or to pledge, by way of endorsement or otherwise, the credit or the funds of the State of South Carolina in aid of the construction of said road.

Shall provide bridges and draws.

SEC. 8. That said Company shall have the right to build bridges across navigable rivers: Provided, They shall put in good and sufficient draws, and shall construct necessary stations and turn-outs, with one or more tracks to the road, with such gauge as shall correspond to that of the South Carolina Railroad, and may co-operate with such road or roads as may be chartered by the State of South Carolina, forming but one road, at their discretion: Provided, That the said road shall be commenced within one year, and completed within five years after the passage of this Act, or the charter thereof shall be forfeited: And provided, further, That said road shall be subject to the provisions of an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the construction and uses of railways, and other works of internal improvement," ratified September 22, A. D. 1868.

When road to be commenced and completed.

Approved March 7, 1871.

No. 358.

AN ACT TO INCORPORATE CERTAIN RELIGIOUS INSTITUTIONS.

Mt. Pleasant Baptist Church.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all persons who now are, or who hereafter shall or may become, members of the said Society, shall be, and they are hereby, incorporated, and are hereby declared to be a body politic and corporate, by the name and style of the Mount Pleasant Baptist Church, and by the

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said name shall have a succession of officers and members, and have a common seal.

SEC. 2. That the said corporation shall have power to purchase, receive and possess real and personal property, and to sell the same, and, by its corporate name, to sue and be sued in any Court, and to make such rules and by-laws, not repugnant to law, as may be thought necessary and expedient.

Powers and privileges.

SEC. 3. That from and immediately after the passage of this Act, all persons who now are, or who hereafter shall or may become, members of the Hopewell Baptist Church, shall be, and they are hereby, incorporated, under the name and style of the Hopewell Baptist Church, of Laurens County, and, by the said name, shall have succession of officers and members, and have and use a common seal.

Hopewell Baptist Church.

SEC. 4. That the said corporation shall have power to purchase, receive and possess any real or personal estate, not exceeding in value the sum of twenty thousand dollars, or sell the same, and, by its corporate name, to sue and be sued in any Court of this State, and to make such rules and by-laws, not repugnant to law, as may be thought necessary and expedient.

Capital stock, &c.

SEC. 5. That Patrick Smalls, Lewis Smalls, James T. Bolan, John Alexander, Robert Chisolm, Joseph Idencutter and Caesar Gillison, together with all who are now, or who hereafter shall or may become, members of the said Euhaw Baptist Church, of Grahamville, shall be, and they are hereby, declared to be a body corporate, by the name and style of the Second Euhaw Baptist Church, and by this said name shall have succession of officers and members, and have a common seal.

Second Euhaw Baptist Church.

SEC. 6. That the said corporation shall have power to purchase, receive and possess any real or personal estate, not exceeding in value the sum of ten thousand dollars, or to dispose of the same; by its corporate name to sue and be sued, plead and be impleaded in any Court of Law or Equity in this State, and to make such rules and by-laws, not repugnant to the laws of the land, as may be thought necessary and expedient.

Powers and privileges.

SEC. 7. That Samuel Marshall, Antim McKeever, Samuel F. Jackson, Lazarus Smart, Abner Gibson, Cornelius Bell, and all other persons who now are, or who shall or hereafter may become, members of the said Society, shall be, and they are hereby, incorporated, and declared to be a body corporate, by the name and style of the Macedonia Baptist Church, of Darlington, and by that said name shall have succession of officers and members, and have a common seal.

Macedonia Baptist Church.

SEC. 8. That the said corporation shall have power to purchase, receive and possess any real or personal estate, for the purpose of this Act, not exceeding in value the sum of fifty thousand dollars, or to sell the same, and, by its corporate name, to sue and be sued in any Court in this State, and to make such rules and by-laws, not repugnant to the laws of the land, as may be thought necessary and expedient. Said Society shall have all the power and be subject to all the liabilities and restrictions of the Act to regulate the formation of corporations, so far as applicable.

Powers and privileges.

SEC. 9. That the foregoing Act shall be deemed a public Act, and shall continue in force for the term of twenty-five years.

Approved March 7, 1871.

A. D. 1871.

AN ACT TO RECHARTER THE CYPRESS CAUSEWAY.

No. 359.

Vested in
S. Haynes.
Proviso.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Cypress Causeway, on the road leading from Orangeburg to Charleston, be, and the same is hereby, rechartered and vested in Samuel Haynes, his heirs and assigns, for the term of fourteen years, with the same rates of toll heretofore allowed by law: Provided, That voters going to and returning from the polls on election day, and children going to and returning from school, shall be passed free over said causeway.

Approved March 7, 1871.

No. 860.

AN ACT TO INCORPORATE THE CAMDEN STEAM MILL COMPANY.

Persons in-
corporated.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Colin Macrae, A. J. Freitag and Walter F. Reed, and their associates and successors, are hereby constituted a body politic and corporate, by the name of the Camden Steam Mill Company, with power to sue and be sued, to plead and be impleaded in all the Courts of law and equity; may enjoy all the privileges incident to corporations, and may purchase, hold and convey real and personal estate to an amount not exceeding twenty-five thousand dollars.

Business and
purpose of
company.

Subscription.

SEC. 2. The business of said company shall be grinding grain, ginning cotton, hulling and pressing cotton seed, or any other similar mechanical or industrial pursuit they may choose to embark in, in the town of Camden, South Carolina. The books for subscription to the capital stock of said company shall be opened by the above named persons, in Camden, as soon as convenient after the granting of this charter, in shares of twenty-five dollars each. Said corporation may have and use a common seal, which they may alter at pleasure.

Shares—how
transferable.

SEC. 3. The shares shall be deemed personal property, and be transferred only on the books of said company, in such forms as the Directors may prescribe. The said company shall, at all times, have a lien on all the stock or property of the members of said corporation invested therein, for all debts due from them to said corporation, and no transfer of scrip or stock shall be valid until such debt, if any, shall be discharged; and said corporation may organize, go into operation and commence business whenever and as soon as five thousand dollars to said stock shall be subscribed for, and five dollars per share of the same paid into the Treasury of said company in cash; and a certificate, signed by the President and Secretary of said company under oath, setting forth said subscription and payment, shall be filed in the office of the Secretary of State.

When said
company may
commence bu-
siness.

Officers for
management
of affairs.

SEC. 4. The stock, property and affairs of said corporation shall be managed by a Board of Directors, not less than three nor more than five, one of whom shall be chosen by them President, and all of whom shall hold their offices for one year, and until others are chosen, and said Directors shall be annually elected at such times and places as the by-laws of said corporation shall prescribe; a majority of said Directors shall,

in all cases, constitute a Board for the transaction of business, and a majority of the stockholders at any legal meeting shall be capable of transacting the business of said meeting, each share entitling the owner thereof to one vote, which may be given in person or lawful proxy. The first meeting of said corporation, hereby formed, may be called by a majority of the persons named in the first Section of this Act, at such time and place, and upon giving such notice thereof, as they shall deem reasonable and proper.

Sec. 5. The President and Directors, or a majority of them, for the time being, shall have power to fill any vacancy which may happen, by death, resignation or otherwise, for the current year, or appoint a Secretary and Treasurer, and such other officers as may be necessary, and may require the Treasurer and other officers to give bonds for the faithful discharge of their trust and duty, as said Directors may deem proper; and, also, to make and establish such by-laws, rules and regulations as they shall deem expedient for the management of the affairs of said corporation, and the same to alter: And provided, The same be not inconsistent with the laws of this State or the United States.

Sec. 6. The books of said corporation containing their accounts shall, at all reasonable times, be open for the inspection of any of the stockholders of said corporation, and annual statements of the accounts of said corporation shall be made and submitted to the annual meetings of the stockholders. The Directors may call in the subscription to the capital stock by installment, in such proportion, and at such times and places as they may deem proper, giving due notice thereof, under such regulations and conditions as they may prescribe.

Sec. 7. The said corporation shall, within thirty days of each annual meeting of the stockholders, lodge a certificate with the Secretary of State, setting forth the amount of capital stock of said company actually paid in, and the amount of the liabilities of the said corporation, which certificate shall be signed by the President and Secretary of said company, and certified by their oath. This Act shall continue to be in force for twenty years.

Approved March 7, 1871.

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Business—
how transacted.

Vacancies—
how filled.

Officers to
give bond.

Books to be
open for in-
spection.

Certificate to
be filed with
Secretary of
State.

AN ACT TO AUTHORIZE HENRY C. LANCASTER, SMITH HOWE AND HENRY A. TOWLES, TO COLLECT WHARFAGE AND STORAGE.

No. 361.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Henry C. Lancaster, Smith Howe and Henry A. Towles, their heirs, executors, successors and assigns, be, and they are hereby, authorized to collect the usual rates of wharfage and storage upon all goods, merchandise and commodities that may be landed at or upon their wharf at Enterprise Landing, on Wadmalaw Island.

Persons au-
thorized.

May collect
wharfage and
storage.

Approved March 7, 1871.

A. D. 1871.

No 362.

AN ACT TO INCORPORATE AND RECHARTER CERTAIN RELIGIOUS INSTITUTIONS.

Orangeburg
Presbyterian
Church So-
ciety.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act passed on the nineteenth day of December, in the year of our Lord eighteen hundred and forty-nine, as incorporated the Orangeburg Presbyterian Church Society, be revived and continued of force for the period of twenty-one years.

Walnut
Grove Baptist
Church.

SEC. 2. That Walnut Grove Baptist Church, in the County of Abbeville, in South Carolina, be, and the same is hereby, rechartered for the term of twenty-one years, with the same rights, powers and privileges as those heretofore allowed by law.

New Hope
Baptist
Church.

SEC. 3. That all acts done or authorized to be done by the officers of said church since the expiration of its former charter, be, and the same are hereby, declared valid and binding in all respects, and to all intents.

SEC. 4. Whereas Robert Knox, John C. Fringe, Ezekiel Hunnicutt and John L. Wilson, as trustees of the New Hope Baptist Church, in Oconee County, have prayed to be incorporated: Therefore, from, and immediately after, the passage of this Act, all those persons who now are, or who hereafter may become, members of the said Society, shall be, and they are hereby, incorporated, and are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the New Hope Baptist Church, Oconee County, and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter and make new the same as often as the said corporation shall judge expedient.

May hold
and dispose
of property.

SEC. 5. That the said corporation shall be capable, in law, to purchase, have, hold, receive, enjoy, possess and retain to itself, in perpetuity, or for any term of years, any lands, tenements or hereditaments, or other property, of what nature soever, not exceeding the sum of ten thousand dollars, or to sell or alien the same, as the said corporation shall think fit, and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of law or equity in this State, and make such rules and by-laws (not repugnant to the laws of the land) as for the good government and management thereof may be thought necessary and expedient.

Powers and
privileges.Beaver
Dam Baptist
Church.

SEC. 6. That Balis Hix, Wiley R. Harbin, William Isbell, Livingston Isbell, A. Sloan Stephens, and their successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Beaver Dam Baptist Church, of Oconee County, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction, to have and to hold a common seal, and the same to alter at will and pleasure, and with all other rights and privileges that are now secured by law to like incorporated bodies.

Trinity Bap-
tist Church.

SEC. 7. That W. J. Parnell, James Fletcher, Richard H. Humbert, Henry Washington, Jacob Lindsey, Louis Kelley, Abraham Peterson and Jack Quillian, and all persons who now are, or who hereafter shall or may become, members of the said Society, shall be, and they are

hereby, incorporated and declared a body politic, under the name and style of the Trinity Baptist Church, of Florence.

A. D. 1871.

SEC. 8. That the said corporation shall have power to purchase, receive and possess any real or personal estate for the purpose of this Act, not exceeding in value the sum of twenty-five thousand dollars, or to sell the same, and, by its corporate name, sue and be sued, plead and be impleaded, in any Court in this State, and to make such rules and by-laws (not repugnant to law) as may be thought necessary and expedient; and said Society shall have all the powers, and be subject to all the liabilities and restrictions of the Act to regulate the formation of corporations, so far as applicable.

Powers and privileges.

SEC. 9. Whereas Oliver Hewett and his associates have prayed to be incorporated: Therefore, that from and immediately after the passage of this Act, all persons who now are, or who hereafter shall or may become, members of the said Society, shall be, and they are hereby, incorporated and declared to be a body corporate, by the name and style of the Binnaker Camp Meeting Society, and by said name shall have succession of officers and members, and have a common seal.

Binnaker Camp Meeting society.

SEC. 10. That said corporation shall have power to purchase, receive and possess any real or personal estate, not exceeding in value the sum of twenty thousand dollars, or to sell the same, and, by its corporate name, to sue and be sued, in any Court in this State, and to make such rules and by-laws, not repugnant to law, as may be thought necessary and expedient.

Powers and privileges.

SEC. 11. That the foregoing Acts are deemed public Acts, and the charters and rechararters contained in this Act shall continue in force after the ratification of this Act, for the term of twenty-one years, and until the next meeting of the General Assembly thereafter.

Approved March 7, 1871.

AN ACT TO RELINQUISH ALL THE RIGHT AND INTEREST OF THE STATE OF SOUTH CAROLINA IN AND TO CERTAIN REAL ESTATE WHEREOF ONE NAPOLEON B. POUNCEY, OF HORRY, A BASTARD, DIED SEIZED, AND VEST THE SAME IN CERTAIN PERSONS THEREIN MENTIONED.

No. 363.

Whereas, one Napoleon B. Pouncey, late of the County of Horry and State of South Carolina, a bastard, was, during his life, seized and possessed, in fee simple, of a certain tract of land situate in said County, and died intestate, seized and possessed of the same, as aforesaid, whereby it vested in the State of South Carolina by escheat; and, whereas, California Hughes, Thomas M. Pouncey and Viola Pouncey, of said County, are children, also born out of lawful wedlock, of the father and mother of said Napoleon B. Pouncey;

Preamble.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State of South Carolina to and in the tract of land aforesaid is, by this Act, relinquished, and vested in said California Hughes, Thomas M. Pouncey

Vested in C. Hughes and others.

A. D. 1871.

and Viola Pouncey, to have and to hold the said tract of land in common, share and share alike, to themselves, their heirs and assigns forever: Provided, That said land be subject to the lawful debts of said Napoleon B. Pouncey at the time of his decease.

Approved March 7, 1871.

No. 364. AN ACT TO REGULATE THE CALL OF THE DOCKET OF THE SUPREME COURT.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Supreme Court shall, on the last day of each stated term, make and publish an order designating the order in which the causes from the several Circuits shall be called at the stated term of the Court next ensuing, which order shall also specify the time to be allotted to the hearing of causes from each Circuit. This order shall be irrevocable.

Order for
calling causes
to be publish-
ed.

SEC. 2. If the causes from the several Circuits cannot be heard within the period allotted, as provided in the preceding Section, the Court shall continue the same to be heard after the regular call of the Circuits, or, in its discretion, till the next stated term.

Approved March 7, 1871.

No. 365. AN ACT TO ENABLE JUDGMENT DEBTORS TO SELL THEIR REAL AND PERSONAL PROPERTY, AND TO CONFIRM SALES ALREADY MADE, IN CONFORMITY WITH CONDITIONS HEREIN SPECIFIED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act judgment debtors may, and they are hereby, authorized and empowered to sell and convey any or all of their real and personal property which may, at the time, be subject to levy and sale to satisfy any judgment or decree of any Court in this State against the said debtor, and to pay over the entire proceeds of said sale or sales to the Sheriff in whose office such judgments, executions or decrees are lodged, to be applied by said Sheriff towards the satisfaction of the same; and, provided no objection shall be made in writing by either of the judgment creditors and filed with said Sheriff as to the price at which the said property may have been sold within three months from and after the time such payment shall have been made, the said sale or sales shall thereupon be considered confirmed; and the said Sheriff shall make the following endorsement on the back of the deed or deeds of conveyance, viz: "No objection having been filed in my office to the within bargain and sale within the time prescribed by law, this bargain and sale is therefore confirmed;" the same to be dated and signed officially by the said Sheriff.

May sell
their prop-
erty.

Pay over
proceeds to
Sheriff.

Sheriff to
make certain
endorsement
on deed or
conveyance.

SEC. 2. *Be it further enacted*, Should either of the judgment creditors object to the prices at which any of the said property may have been sold, and file such notice with the Sheriff within the time before mentioned, the Sheriff shall immediately proceed to levy upon and offer for sale said property, proceeding in all respects, according to the law in regard to levy and sale by the Sheriff; and if the highest bid made for said property shall not be more than the amount of the indebtedness which had been cancelled by the sale made by the debtor, the Sheriff shall withdraw said property from sale; and the creditor or creditors who may have filed their objection shall be required to pay all costs and expenses that accrued in consequence thereof. The Sheriff shall make the following endorsement on the back of the conveyance made by the debtor, viz: "Objection having been filed in my office by _____, judgment creditor, I levied upon and exposed for sale the property within named; and failing to receive a higher bid than the amount of indebtedness cancelled by the proceeds of the within bargain and sale, this sale is therefore confirmed," and signed as directed in Section 1 of this Act.

A. D. 1871.

Objections
as to price to
be filed by
creditor with
Sheriff.

Duty of
Sheriff in
that case.

Sheriff to
make en-
dorsement.

SEC. 3. *Be it further enacted*, That in the event that the property, when exposed for sale by the Sheriff, as provided for in Section 2, should bring more than the amount of the indebtedness cancelled by the proceeds of the sale made by the debtor, the purchaser from the debtor shall be refunded the amount paid by him, with interest from the time of payment, and the bargain and sale made by the debtor rescinded, and titles executed by the Sheriff to the purchaser at his sale; and, after deducting the costs and expenses by reason of the levy and sale, the remainder to be applied, according to law, towards satisfaction of the judgment or executions in his office.

Surplus of
proceeds to
be refunded.

SEC. 4. *Be it further enacted*, That all sales of either real or personal property made by judgment debtors, and the entire proceeds of said sales having been paid into the Sheriff's office, to be applied toward the satisfaction of the demands in that office against such debtor prior to the passage of this Act, shall be considered confirmed, unless objections to the price at which said property had been sold shall be made by any of the judgment creditors within three months from and after the passage of this Act; and, provided objections shall be filed, as specified in Section 2 of this Act, in such case the Sheriff shall proceed as directed in Sections 2 and 3 of this Act.

All sales
made as
above con-
firmed, when
no objection
be raised.

SEC. 5. *Be it further enacted*, That all Acts and parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE HOMESTEAD BUILDING, PLANTING AND LOAN ASSOCIATION, OF SOUTH CAROLINA."

No. 366.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the said Act be so amended, in

A. D. 1871.

Section 1, as to read, between the words "Planting" and "Loan," "Dime Savings;" and in Section 2 to read "twenty-five dollars" instead of "two thousand."

Approved March 7, 1871.

No. 367. AN ACT TO AUTHORIZE THE FORMATION OF, AND TO INCORPORATE, THE TUGALOO AND CHATTANOOGA RAILROAD COMPANY.

Whereas, it is desirable that there should be a connection, by railroad, between some point on the Blue Ridge Railroad and Chattanooga, Tennessee; therefore,

Purpose of company. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the formation of a corporate Company is hereby authorized, for the purpose of constructing a railroad from some point on the Blue Ridge Railroad, in Oconee County, to the town of Chattanooga, in the State of Tennessee, so far as said railroad shall run through this State, the said Company to have exclusive right to make, keep and use such railroad; and, for the term of time hereinafter mentioned, no other railroad shall be constructed between the same points.

Capital stock—how raised. SEC. 2. That, for the purpose of raising the capital stock of said Company, it shall be lawful to open books at Walhalla, under the direction of Robert A. Thompson, E. P. Verner, P. L. Dean, O. M. Doyle and A. E. Normon, as Commissioners, and at such other places, and under the direction of such other persons, as the said Commissioners, or a majority of them, may designate, for the purpose of receiving subscriptions to an amount not exceeding two millions of dollars (\$2,000,000,) in shares of one hundred dollars each, to constitute a joint capital stock, for the purpose of constructing and carrying into operation the said railroad; and, on each share of the stock the subscriber shall pay to the Commissioners who shall be authorized to take the same, the sum of five dollars in lawful money of the United States.

Amount of same. SEC. 3. That when the sum of three hundred thousand dollars (\$300,000) shall have been subscribed, in the manner before specified, the subscribers shall be, and they are hereby, declared to be a body corporate, to be known by the name and style of the Tugaloo and Chattanooga Railroad Company, and may meet and organize the said Company, at such time and place as may be designated by the Commissioners before named for Walhalla.

When company may organize. SEC. 4. That the said Company shall have power, and they are hereby authorized, to construct one or more branches from the said road to connect with other roads in this State, at such point or points as they may deem meet and proper; and said Company shall have power to consolidate or unite with any other company or corporation having like powers.

May build branch roads. SEC. 5. That, for the purpose of organizing the said Company, all such powers as are conferred by the charter of the Greenville and Columbia Railroad Company on the Commissioners at Greenville shall be, and they are hereby, conferred on the Commissioners herein appointed at Walhalla; and all the powers, rights and privileges granted by the said charter and

Powers generally.

its amendments to the Greenville and Columbia Railroad Company shall be, and they are hereby, granted to the Tugaloo and Chattanooga Railroad Company, and subject to like restrictions as are therein contained, except as to the capital stock, the sum necessary to authorize organization, and the amount of shares, except so far as may be necessary to conform to the special provisions of this Act: Provided, however, That nothing herein contained shall be so construed as to bind the State to subscribe stock in said Company, or make any appropriations to enable the said Company to build the said road, or in any manner to loan the credit of the State thereto.

A. D. 1871.

Proviso.

SEC. 6. That in the event any vacancy should occur in the Commissioners herein appointed at Walhalla, from death, refusal to serve, or otherwise, the Senator and members of the House of Representatives (at the time being) from the County of Oconee shall be, and they are hereby, authorized and empowered to supply the same by appointment.

Vacancies—
how filled.

SEC. 7. That the charter hereby granted shall continue and endure for the term of thirty-six years from the date thereof; and this Act shall be taken and deemed to be a public Act; and all Acts and parts of Acts, inconsistent with this Act, be, and the same are hereby, repealed: Provided, That said Company shall commence the building of the said road within two years, and have the same completed within six years.

Proviso.

Approved March 7, 1871.

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS TO REPORT TO
THE GENERAL ASSEMBLY.

No. 368.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of each County shall, on or before the fifteenth of December, in each year, report to the General Assembly all accounts chargeable to their respective Counties; what have been allowed and settled; the number and amount of orders drawn upon the County Treasurer; the taxes levied and collected; the amount expended for rebuilding or repairing Court House, Jail, Poor House and Bridges; in fact, a detailed account of all their doings, as required by an Act entitled "An Act to define the jurisdiction and duties of County Commissioners," approved September 26, 1868. And upon failure so to report, they shall be fined in a sum not less than fifty, nor more than two hundred dollars.

When and
what to re-
port.

Failure and
penalty.

Approved March 7, 1871.

AN ACT TO INCORPORATE THE WORKINGMEN'S MUTUAL BENEFIT LIFE
ASSURANCE ASSOCIATION, OF SOUTH CAROLINA.

No. 369.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Edward Mickey, Samuel J. Keith, A. J. Ransier, Isaac H. White, W. H. J. Brodie, R. H. Humbert,

Corporators.

A. D. 1871

Stephen Gary, Samuel B. Thompson, N. E. Edwards, Thomas D. McDowell, W. J. McKinlay, P. R. Rivers, F. H. Frost, W. E. Johnston, Wm. Hayne, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of the Workingmen's Mutual Benefit Life Assurance Association of South Carolina.

Corporate powers.

SEC. 2. That the said corporation hereby created and established shall have succession of officers and members according to its by-laws, and shall have power to make such by-laws, not repugnant to the laws of the land, and to have, use and keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded in any Court in this State, and to have and enjoy all such property, real and personal, as may be given, bequeathed or devised to it, or may be in any manner whatsoever acquired by the said corporation: Provided, The amount so held shall not exceed the sum of twenty-five thousand (25,000) dollars.

Capital.

SEC. 3. That the said corporation may, from time to time, invest their funds, moneys, assets and all other property, stocks, public or private, notes, bills, bonds, with or without security, by mortgage of real or personal property, or by surety, in such sums and on such terms and conditions as they may deem proper; and it shall be lawful for the said corporation, from time to time, and at all times, to sell, convey, mortgage, assign or transfer all of its property, real and personal, as and when it may be deemed proper and expedient, and to make and execute bonds under their corporate seal, with or without mortgage, for the purchase of real or personal property.

Powers and privileges.

SEC. 4. That this Act shall continue in force for the space of twenty years, and that the same shall be taken and deemed a public Act, and may be given in evidence without being specially pleaded.

Approved March 7, 1871.

No. 370. AN ACT TO INCORPORATE THE UNION GOLD MINING COMPANY, OF SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Lucian Hawley and George C. Alden, of the city of Washington, D. C., Alvin H. Ultey, Oliver Cornell and C. C. Puffer, of the County of Union, and State of South Carolina, and such other persons as now are, or may hereafter be, associated with them, their successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the Union Gold Mining Company, by which name and style they are hereby made capable in law to have, hold, purchase, receive, work, sell, mortgage, lease, enjoy and retain to them, their successors and assigns, lands, tenements, mines of all characters, and chattels of whatsoever kind, as may be deemed by them most conducive to the objects and interests of said corporation, which are mining and working for gold and other minerals, and manufacturing the same in Union County, and other parts of the State of South Carolina, and of sending the same to market.

Corporators.

Corporate powers.

SEC. 2. That said corporation, by its title aforesaid, may sue and be

sued, plead and be impleaded, in any Court of this State, make and use a common seal, altering the same at their pleasure, establish, alter and amend such by-laws and regulations as shall be deemed proper by them, not in conflict with the Constitution or laws of this State, or the United States.

A. D. 1871.
Powers and
privileges.

SEC. 3. That the capital stock of said corporation shall be ten thousand dollars, with the right to increase the same, by a vote of a majority of the Directors, to any sum not exceeding one million of dollars; that said Company shall commence business within sixty days after the capital stock is fully subscribed, and the stock may be paid either in money, or real estate, or mining leases and machinery; the same to be divided into such number of shares as said corporation may determine; said shares to be assignable and negotiable under such rules as said corporation may prescribe.

Capital stock.

SEC. 4. That there shall be annual meetings of the stockholders at such time and place as the Directors may designate for the purpose of choosing a Board of Directors, to consist of not less than five, nor more than nine, each of whom shall be a stockholder, and a President and other officers of said corporation, to manage its affairs.

Meetings.

Board of
Directors.

SEC. 5. That said Company shall keep an office at their principal mine in Union County, which, for all judicial purposes, shall be deemed its location, and, also, one in the cities of Columbia and New York, if they choose; and all meetings of stockholders and Directors may be held at such place, in or out of the State, as may be directed by the by-laws of the Company.

Office of the
company.

SEC. 6. That all the property, real and personal, of said Company, shall be liable for its debts, and the private property of the stockholders shall be liable for the debts of the Company to the amount of stock subscribed.

Property of
stockholders
liable for its
debts.

SEC. 7. That this corporation shall have a legal existence from the time a written acceptance or adoption of this charter, signed by a majority of the persons named in the first Section, shall have been filed in the office of the Secretary of State; and this Act shall continue in force for thirty years from and after its passage, and the privileges and franchises granted by this charter shall not be withdrawn during that time.

Acceptance
of charter to
be filed with
Secretary of
State.

Approved March 7, 1871.

AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE SOUTH CAROLINA INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB AND THE BLIND.

No. 371.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor, the Comptroller-General, and the State Superintendent of Education, be, and they are hereby, constituted a Board, to be known by the name, style and title of the Board of Commissioners of the Deaf and Dumb and the Blind, and are hereby vested with the supervision and control of the affairs and government of the South Carolina Institution for the Education of the Deaf and Dumb and the Blind, located at Cedar Springs,

Board of
Commission-
ers.

A. D. 1871.

Meetings of Board.

Secretary to visit institution and make report.

Shall be allowed travelling expenses.

Board shall appoint teachers and instructors.

Repealing clause.

Spartanburg County, S. C. The Governor shall be *ex officio* Chairman, and the State Superintendent of Education, Secretary of the said Board.

SEC. 2. That the said Board of Commissioners shall meet annually, on the first Monday in November, at the office of the Governor, and at such other times and places as the Chairman of the Board shall direct. Said Board shall receive no compensation for their services.

SEC. 3. That it shall be the duty of the Secretary of said Board to visit the South Carolina Institution for the Education of the Deaf and Dumb and the Blind at least twice during each school session thereof, in order to notice the condition of the Institution, the efficiency and faithfulness of the instructors and officers, and the progress of the pupils thereof, and to submit to the said Board written reports of such visits. He shall be allowed actual travelling expenses incurred in making such visits; the same to be subject to the approval of the other members of the Board, and be paid from the funds appropriated for the support of the Institution.

SEC. 4. That the said Board of Commissioners shall have power to appoint a principal and such teachers and officers of the Institution as they shall deem requisite, and to fix their salaries; to establish conditions, forms and regulations for the admission of pupils to the Institution, and to prescribe such rules and by-laws as they, in their judgment, shall deem necessary for the management and good government of the Institution.

SEC. 5. That all Acts or parts of Acts inconsistent with this Act, be, and the same are hereby, repealed.

SEC. 6. That this Act shall take effect from its passage.

Approved March 7, 1871.

No. 372. AN ACT TO INCORPORATE THE YOUNG MEN'S BROTHERLY ASSOCIATION.

Corporators.

Powers and privileges.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That J. G. Allston, William S. Cole, Jacob Gaval, N. S. Wayne, John Brown, J. Taylor, J. Hayne and J. R. Pinckney, and their associates and successors, be, and they are hereby, declared a body corporate and politic, by the name and title of the "Young Men's Brotherly Association," for the space of fourteen years; and that they have power, by their corporate name and style, to sue and be sued, to plead and be impleaded, to have and to use their own seal, and to make their own by-laws, not inconsistent with the laws of the land, with power to purchase and hold real and personal estate to the amount of twenty thousand dollars.

Approved March 7, 1871.

AN ACT TO RELEASE THE LIEN OF THE STATE UPON A LOT OF LAND IN THE CITY OF CHARLESTON, OWNED BY THE SOUTH CAROLINA INSTITUTE FOR THE PROMOTION OF ART, MECHANICAL INGENUITY AND INDUSTRY, AND TAKE A SIMILAR LIEN UPON THE NEW HALL ERECTED BY SAID SOUTH CAROLINA INSTITUTE.

A. D. 1871.

No. 373.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the lien of the State of South Carolina upon the sum of ten thousand dollars appropriated by the Act of the General Assembly entitled "An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-two," ratified on 16th of December, 1852, be, and the same is hereby, released, and the Comptroller General is hereby directed to enter satisfaction upon the mortgage of the lot of land situate on the east side of Meeting street, in the city of Charleston, executed by the South Carolina Institute for the promotion of Art, Mechanical Ingenuity and Industry, to William Laval, Treasurer of the Lower Division of the State of South Carolina, to secure the said appropriation: Provided, however, That the City Council of Charleston shall also release its claim against the South Carolina Institute for the promotion of Art, Mechanical Ingenuity and Industry: Provided, further, That the said lot be sold at public auction, after ten days' notice, published in the daily papers of Charleston, and the proceeds thereof appropriated to the payment of the cost of the new hall recently erected on the Washington Race Course by the said South Carolina Institute: Provided, further, That the State of South Carolina shall have the same lien and claim, to the extent of the money realized from the said sale, upon the said new hall erected as aforesaid, that has heretofore existed upon the said lot of land.

Comptroller General to enter satisfaction on mortgage to William Laval.

Lot to be sold at auction.

Application of proceeds.

Approved March 7, 1871.

AN ACT TO INCORPORATE THE BREWER GOLD MINING COMPANY, OF SOUTH CAROLINA.

No. 374.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Thomas S. Cavender, Charles J. Andell and Joshua Clendenon, and such persons as now are, or hereafter may be, associated with them, their successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the Brewer Gold Mining Company, by which name and style they are hereby made capable in law to have, hold, purchase, receive, work, sell, mortgage, lease, enjoy and retain to them, their successors and assigns, lands, tenements, mines of all characters, and chattels of whatsoever kind, they may deem conducive to the object and interest of the said corporation, which are mining and working for gold and other minerals, and manufacturing the same, in Chesterfield County, and other parts of South Carolina, and of sending the same to market.

Corporators.

Corporate privileges.

SEC. 2. That the said corporation, by their name and style aforesaid, may sue and be sued, plead and be impleaded, in any Court of this State,

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- make and use a common seal, and alter and change the same at their pleasure, and make and establish such by-laws and regulations, and such alterations, and amendments thereof, not in conflict with the Constitution or laws of this State, or of the United States, as they shall deem proper.
- Capital stock.** SEC. 3. That the capital stock of the said corporation shall be twenty thousand dollars, with the right to increase the same by the vote of a majority of the Directors, to any sum not exceeding one million dollars; that the said corporation shall commence business within sixty days after its capital stock shall have been subscribed, and the stock may be paid either in money, real estate, mining leases, machinery, or any other kind of property, the same to be divided into such number of shares as the said corporation may determine, and the shares to be assignable and negotiable under such rules as the said corporation may prescribe.
- Annual meeting.** SEC. 4. That there shall be annual meetings of the Stockholders, at such time and place as they may designate, for the purpose of choosing a Board of Directors, to consist of not less than three nor more than nine, each of whom shall be a stockholder, and a President and other officers of the said corporation, who may be members of the said Board of Directors, to manage their affairs.
- Officers of company.** SEC. 5. That the said corporation shall keep an office at their principal mine in Chesterfield County, which, for all judicial purposes, shall be deemed their location; and also one in Philadelphia, or New York, if they choose; and all meetings of the Stockholders and Directors may be held at such places, in or out of the State, as may be directed by the by-laws of the said corporation.
- Offices of said company.** SEC. 6. That the said corporation shall have all the rights and privileges granted by law to other Gold Mining Companies in this State, and all the property, real and personal, of the said corporation, shall be liable for their debts, and the private property of the Stockholders shall be liable for the debts of the said corporation to the amount of stock subscribed by them respectively, and not actually paid in money or in property, at the time of the commencement of the suit against them.
- General powers, privileges and liabilities.** SEC. 7. That the said corporation shall have a legal existence from the time of the passage of this Act, and this Act shall continue in force for the term of thirty years from and after the time of its passage, and the privileges and franchises granted by this Act shall not be withdrawn during that term.

Approved March 7, 1871.

No. 375. AN ACT TO PROTECT THE INTERESTS OF THE STATE WHENEVER PAYMENT OF INTEREST NOW DUE REMAINS UNPAID ON BONDS ISSUED BY ANY RAILROAD COMPANY, AND WHEREON THE GUARANTY OF THE STATE IS ENDORSED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Attorney-General be, and he is hereby, required and authorized to cause to be instituted immediately after the expiration of thirty days after the final passage of this Act, for, on behalf of, and in the name of this State, an action, suit or

other legal proceeding in any Court of this State, or of the United States, against each Railroad Company which has, also, against all Railroad Companies which have heretofore issued bonds upon which the guaranty of the State is endorsed, and on which interest is now due and unpaid, unless, within thirty days after the final passage of this Act, such Railroad Company or Railroad Companies shall fully pay and discharge such interest; for the purpose of enforcing the payment of all interest due on the bonds of such Railroad Company, and protecting and securing the State against loss or damage by reason of said guaranty, and to this end, to enforce the rights of the State by virtue of the statutory or other lien or mortgage held by the State, or held to secure the payment of said bond or bonds, on all or any of the property, assets or effects of such Company or Companies.

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Attorney-General to proceed against all railroad companies delinquent in payment of interest on bonds guaranteed by the State.

SEC. 2. That the Attorney-General be, and he is hereby, authorized to appear for, on behalf of, and in the name of this State, in any action, suit or proceeding on behalf of any other party or parties, against any such Railroad Company or Railroad Companies, and to bind the State in such action, suit or proceeding, and to protect the interest of this State therein.

SEC. 3. That if the property included in the statutory or other lien or mortgage held to secure the payment of the bond or bonds named in the first Section of this Act, shall not realize enough upon any sale or sales of all the property, assets and effects, under and in pursuance of any order, judgment or decree, in such action, suit or proceeding, to pay the principal and interest of such bond or bonds, the deficiency shall be, and is hereby, made a debt of this State, and shall be, and is made, payable as such.

In case of deficiency the State to become liable.

SEC. 4. That such deficiency mentioned in the last preceding Section may, at the option of the holder of the whole or any portion thereof, be funded into coupon bonds of this State, of amounts not less than one hundred dollars each, bearing interest at the rate of six per cent. per year, payable semi-annually, which said bonds shall be payable within twenty years after the final passage of this Act, and upon the request of the owner or owners of such deficiency, the Treasurer of this State shall issue such bond or bonds.

Deficiency to be funded.

SEC. 5. That an annual tax, in addition to all other taxes, shall be levied upon the property of the State sufficient to pay the interest upon the bond or bonds hereinbefore authorized, and upon the indebtedness arising out of such aforementioned deficiency at the times when such interest shall fall due.

Tax to be levied for above purpose.

SEC. 6. That the Attorney-General be, and he is hereby, authorized to employ such counsel as he may deem best for the interest of the State, to assist him in performing the duties imposed by this Act, and to pay therefor such compensation as he shall deem just, which shall be paid by the State Treasurer upon the certificate of the Attorney-General.

Attorney-General may employ counsel.

SEC. 7. All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

A.D. 1871.

AN ACT TO INCORPORATE THE CONTINENTAL TELEGRAPH COMPANY.

No. 376.

Name of company.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That William M. Hall, Ethan A. Hall and Charles Thurman, and all those who shall become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name of the Continental Telegraph Company, and, by that name, shall have perpetual succession, and may have and use a common seal, and may sue or be sued, in any Court of competent jurisdiction.

Where may construct telegraph lines.

SEC. 2. Such corporation is authorized to construct lines of telegraph along, upon, across, over, under and beside of the Greenville and Columbia Railroad, and any of the public roads and highways, and under and across any of the waters within the limits of this State, or so much or so many of either of the foregoing as may be deemed expedient, by establishing suitable offices and the erection of the necessary cords or wires and fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines: Provided, The same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; and also to construct a line or lines of telegraph, and to establish offices, and erect such necessary cords or wires and fixtures, including the posts, piers or abutments, as and for the purposes aforesaid, and keep, hold and maintain the necessary offices upon, through or over any other land, subject to the right of the owner or owners thereof to full compensation for the same, to be agreed upon by said owner or owners and the said corporation, or to be fixed or determined as hereinafter provided; and the said corporation may, in like manner, and with like power, construct lines of telegraph to such place or places without the State as the Board of Directors may elect.

Proviso.

May lease and hold real estate.

SEC. 3. Such corporation shall have full power to purchase, lease, receive, hold and convey real estate, or any interest therein, and may, in addition thereto, use such real estate, or any interest therein, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of said corporation; and may appoint such Directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of its business, not inconsistent with the Constitution of this State or of the United States.

In case of damages to owners of land, &c., Commissioners to be appointed by Circuit Court to appraise.

SEC. 4. If any owner or owners of any land taken or used, or likely to be taken and used, by said corporation, shall consider himself aggrieved, or likely so to be, or damaged thereby, or shall refuse to accept the compensation offered by said corporation therefor, it shall be the duty of the Circuit Court, to be held in the County within which said lands are, on the application of such owner or owners, or of such corporation, by petition, stating the facts in relation thereto, and on such notice to the opposite party as such Court shall prescribe, to appoint three disinterested persons as Commissioners, who shall, severally, take and subscribe an oath, before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this Act; and it shall be the duty of said Commissioners, or a majority of them, to make a just and equitable assessment or appraisal of all the loss or damage sustained, or which is likely to be sustained, by reason of any land, or interest therein, taken

or used, or likely to be taken or used, for said offices, lines, posts, piers or abutments, and the erection and operation of said telegraph lines; and such assessment or appraisal shall, in any proper case or cases, determine the annual rent or compensation to be paid by said company for such use, or, in lieu thereof, a sum in gross, as the compensation for allowing the fixtures belonging to such association permanently to continue, and the same to be repaired, improved and renewed or removed, from time to time, as such corporation shall require, duplicates of which said assessment or appraisement shall be reduced to writing and signed by said Commissioners, or a majority of them, one copy of which shall be delivered to the party alleged to be injured, or likely so to be, and the other to the President of said corporation, on demand; in case any damage shall be adjudged to the person alleged to be injured or damaged, or likely so to be, the corporation shall pay the amount thereof, with costs of appraisal, which said costs shall be liquidated as ascertained in said award; and said Commissioners shall receive, for their services, two dollars for each day they are actually employed in making said appraisement; and upon payment of such award the right, title, interest or property described in said assessment or apportionment, shall become and be vested in and be the property of such corporation.

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Compensation of such appraisers.

SEC. 5. The capital stock of such corporation shall be fifty thousand dollars, to be divided into two thousand shares of twenty-five dollars each, which may be increased, from time to time, to such an amount as, and whenever a majority of the stockholders present at any general meeting shall elect; books of subscription may be opened to obtain the amount of stock first above named, at such time and place, within this State, as a majority of the persons first above named shall determine, and for the increased stock, in such a manner as the said corporation may deem expedient; and the said corporation shall go into operation at such time as a majority of the stockholders may fix.

Capital stock.

Subscription to same.

SEC. 6. Such corporation may lease, sell or convey its property, rights, privileges and franchises, or any interest therein, or any part thereof, to, or may unite with, any telegraph company organized under or created by the laws of this or any other State; may acquire, by lease, purchase or conveyance, the property, rights, privileges and franchises, or any interest therein, or any part thereof, of any telegraph company organized under or created by the laws of this or any other State, and may make payments therefor in its own stock, money, bonds or property, or receive payment therefor in the stock, money, bonds or property of the corporation to which the same may be so sold, loaned or mortgaged, or conveyed, or of any other corporation or corporations: Provided, however, That no such purchase, sale, lease or conveyance by any corporation shall be valid until the written consent of the holder or holders of a majority of the capital stock shall have been obtained.

Powers, privileges, &c.

SEC. 7. The stock subscribed for may be issued at such price of subscription, and upon such terms of payment or exchange, as the holder or holders of a majority of the stock at such time shall determine, except that the first subscription price, terms of payment, or exchange, shall be fixed by the persons first above named; and any corporation or corporations may subscribe for, purchase, hold, sell or convey the capital stock of this corporation, as often, and to as great an extent, as such corporation or corporations may deem advisable.

Stock may be issued.

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May issue
bonds secur-
ed by mort-
gage.

To be record-
ed in office
of Register of
Mesne Con-
veyance.

Persons in-
juring prop-
erty of said
company—
how punished

Rates of
transmission.

Divulging
communica-
tions—how
punished.

SEC. 8. That said corporation may issue bonds for such an amount as the officers shall fix, and may secure the same by a mortgage upon so much of the property, rights, privileges and franchises of said corporation as may be named in such mortgage, which mortgage may be recorded in the office of the Register of Mesne Conveyance in the County of Richland, in this State, and thereupon and thereafter it shall become and be a lien upon all the property, rights, privileges and franchises, or of any interest therein, and of any part thereof, described in said mortgage.

SEC. 9. Any person who shall willfully and maliciously injure, molest or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment in the Penitentiary at hard labor not exceeding one year, or both, in the discretion of the Court before which the conviction shall be had, and, in addition thereto, shall pay such damages as shall be caused by him or her, to be recovered in a civil action by said corporation.

SEC. 10. The Board of Directors, as often as the interests of the corporation shall require, are hereby authorized to, and shall, fix the rate or rates for transmission or delivery of any message or messages, which may be required to be paid in advance.

SEC. 11. Any person connected with such telegraph company, either as operator, messenger, agent, servant or clerk, or in any other capacity, who shall willfully and maliciously disclose, divulge or communicate, or permit the same to be done, the contents, or the nature of the contents, of any private message or communication entrusted to or left with him, or her, or such corporation, for transmission or delivery, other than to the party or parties entitled thereto, or who shall willfully refuse or neglect to transmit or deliver the same, he or she shall, upon conviction before any Court, be adjudged guilty of a misdemeanor, and shall suffer imprisonment in the County Jail or Work House where such conviction shall be had, for a term of not more than three months, or shall pay a fine not to exceed five hundred dollars, or both, in the discretion of the Court.

SEC. 12. All Acts or parts of Acts contrary to or inconsistent with this Act are, for the purposes of this Act, but for no other purpose, hereby repealed.

SEC. 13. This Act shall take effect immediately.

Approved March 7, 1871.

No. 377. AN ACT TO CREATE A DEBT OF THE STATE OF SOUTH CAROLINA, TO BE KNOWN AS THE STERLING FUNDED DEBT; THE SAME, OR THE PROCEEDS THEREOF, TO BE EXCLUSIVELY USED IN EXCHANGE FOR, OR IN PAYMENT OF, THE EXISTING PUBLIC DEBT OF SAID STATE.

Governor
may borrow
money.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State be, and he is hereby, authorized to borrow, on the credit of the State of South Carolina, a sum not exceeding one million two hundred thousand pounds

sterling; such debt to be represented by coupon bonds; the same to bear six pounds per centum per annum interest, in gold, payable semi-annually; the principal and interest thereof to be payable in the city of London, in England, and the principal thereof to be redeemable and payable within twenty years from the passage of this Act, in gold coin.

SEC. 2. Such debt, hereby authorized, shall be known as the Sterling Funded Debt. The bonds to be issued in pursuance hereof shall be signed by the Governor, and countersigned by the State Treasurer, under the seal of this State. They may be issued in sums of not less than one hundred pounds sterling. The coupons attached to such bonds shall be signed by the State Treasurer, or executed in such manner as the Governor of the State may approve, his signature to said bonds being evidence of such approval.

SEC. 3. That all of the bonds authorized by this Act, or their proceeds, shall be used exclusively in exchange for, or in payment of, the existing Public Debt of this State heretofore authorized.

SEC. 4. That all the bonds hereby authorized shall be placed in the hands of a Financial Agent of this State, to be appointed by the Governor, Attorney-General, Treasurer, Comptroller-General and Secretary of State: Provided, That said Financial Board shall receive no compensation. Such agent shall reside in the city of London aforesaid; and the Financial Board hereinbefore authorized, or a majority of them, through the Financial Agent of the State, in New York, are hereby authorized and directed to enter into an agreement with such Financial Agent as may be appointed, as aforesaid, for the negotiation of said bonds; for the payment of the interest thereon until the maturity thereof; for the payment of said bonds at maturity, and for the exchange of the same for any of the public debt of this State, or for the payment of any of said public debt, from the proceeds of such new bonds as they may deem to be for the interest of this State: Provided, That none of the existing public debt, as aforesaid, shall be paid before the maturity thereof out of the proceeds of the bonds hereby authorized, unless the same can be purchased and redeemed at a rate not exceeding the rate at which such new bonds shall be negotiated; and, for the purposes of this Act, and in payment of interest on said bonds, and in the redemption thereof, the pound sterling shall be deemed to be the equivalent to five dollars in gold coin of the United States: Provided, That the Financial Agency created by this Act shall not be placed in the hands of any one person, but shall be entrusted to the management of a responsible Banking House of first class reputation in the new and old world.

SEC. 5 That an annual tax, in addition to all other taxes, shall be levied upon all the taxable property within this State sufficient to pay the interest on the debt hereby authorized, at the time when such interest shall become due and payable, and such interest shall be remitted to said Financial Agent in London, and a further similar tax shall be levied in the same manner, sufficient to provide for a Sinking Fund of two per centum in gold per annum on the full amount of the debt hereby created, which Sinking Fund shall be remitted to the said Financial Agent of the State in London, to be applied to the redemption and payment of two per centum of the principal of the said bonds at par. The bonds thus to be paid shall be annually drawn, by lot, at such time and place, and under such regulations, as the Governor of the State and Fi-

A. D. 1871.

How bonds for same to be issued.

What to be used for.

Financial Board—whom to consist of.

Proviso.

Further proviso.

Annual tax to be levied for payment of interest.

How bonds to be redeemed.

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Bonds re-
deemed to be
cancelled.

nancial Agent may determine, and on all such drawings the American Minister to the Court of St. James, in England, or the Secretary of the American Legation, in London, or the American Consul, at London, shall be invited to be present, and to certify to such drawings.

SEC. 6. From time to time, and when any of the existing public debt of this State shall be redeemed by the exchange of the bonds hereby authorized, or shall be paid from the proceeds thereof, such debt, so redeemed or paid, and the evidence thereof, shall be forthwith absolutely cancelled, and shall not be re-issued in any form; and the total amount thus redeemed, or paid, shall be annually reported by the Comptroller-General.

SEC. 7. That the faith, credit and funds of the State of South Carolina are hereby solemnly and irrevocably pledged for the punctual payment of the principal and interest of the debt hereby created, and for the annual redemption of that portion thereof for which a sinking fund is authorized; and the issue by the Governor of any of the bonds hereby authorized shall be conclusive evidence, in favor of any *bona fide* holder thereof, that the provisions of this Act have been fully complied with by the State officers, and that such bonds are legally and properly created.

No new debt
to be created
until this is
paid.

SEC. 8. The honor and credit of this State is also hereby pledged to the holder of the debt authorized by this Act that this State will not hereafter, by itself, officers or agents, until said debt is fully paid and discharged, create any new debt or obligation, or by the loan of its credit, by guaranty, endorsement or otherwise, excepting for the purpose of meeting its existing obligations, or in and for the ordinary and current business of the State, without first submitting the question as to the creation of any such new debt, guaranty, endorsement or loan of its credit to the people of this State at a general State election, and, unless two-thirds of the qualified voters of the State voting on this question shall be in favor of a further debt, guaranty, endorsement or loan of its credit, none such shall be created or made.

SEC. 9. The Commission herein appointed, or a majority of them, are hereby authorized to pay such sums as may be necessary for the purpose of carrying this Act into effect, out of any funds of the State not otherwise appropriated.

SEC. 10. For the purposes of this Act, and to carry out the same, all Acts, or parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 7, 1871.

No. 378. AN ACT TO ESTABLISH THE CHARLESTON CHARITABLE ASSOCIATION, OF THE STATE OF SOUTH CAROLINA, FOR THE BENEFIT OF THE FREE SCHOOL FUND.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That R. H. Willoughby, F. H. Frost, J. P. Horbach, M. J. Hirsch and Oscar B. Little, of South Carolina, and their associates or partners, shall have the full right, and are hereby authorized, to form themselves into a partnership association, to

be known under the name and style of R. H. Willoughby and Company, or such other names as they may now or hereafter assume.

A. D. 1871.

SEC. 2. That all the rights of corporations known as banks be, and the same are hereby, vested in the said firm, for the purpose of loaning out money on interest, purchasing and mortgaging real estate, buying personal property; and they shall have the same rights and privileges now enjoyed by the banking institutions of this State; they shall also have the right to dispose of any and all such property, real, personal or mixed, that they may become possessed of, in any manner, and on such conditions, as the said firm or association may deem fit and proper and to the advantage of said firm, and to promote the interest of the said School Fund of the State of South Carolina.

Purpose and
business of
corporation.

SEC. 3. *Be it further enacted*, That, before commencing business under the provisions of this Act, said firm shall pay, or cause to be paid, into the hands of the State Superintendent of Education, the sum of one thousand dollars, (\$1,000,) to be used for the benefit of the free schools of South Carolina, and annually thereafter a like amount, for the term of ten years, or so long as said partnership shall choose to do business, it being understood and agreed that said payment of one thousand dollars per annum by said association is the consideration upon which the privilege of incorporation herein is granted; and whenever said company, or firm, or association, shall fail to pay said consideration, then their right to transact business shall cease.

Shall pay a
license fee of
\$1,000 for
school pur-
poses.

SEC. 4. That the association, company or firm incorporated and established by this Act shall have full power, and are hereby authorized, to establish agencies throughout the State.

SEC. 5. That this Act shall be of force immediately on and after its passage.

Approved March 8, 1871.

AN ACT TO FURTHER AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR THE ASSESSMENT AND TAXATION OF PROPERTY."

No. 379.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act providing for the assessment and taxation of property," be, and is hereby, further amended as follows:

Amended in

Strike out from Section 3, paragraph 16, the word "September," and insert "July;" also, in paragraph 17, the word "November," and insert "August."

Section 3,
Par. 16 and 17.

Strike out, from Section 7, the words "September" and "October," in lines two and three, and insert "July" and "August;" also, in lines six and nine, strike out "September," and insert "July;" also, in line five of Section 7, between the words "oath" and "of," insert "of all the real estate which has been sold or transferred since the last listment of property, for which he was responsible, and to whom, and."

Section 7,
lines 2 and 3.

Line 5.

Strike out, from Section 8, the word "September," and insert "July."

Section 8.

Strike out, from Section 9, the word "September," and insert "July."

Section 9.

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- Strike out, from Sections 10, 11 and 12, the words "September" and "October," and insert "July" and "August."
- Section 17. Strike out, from Section 17, the word "November," and insert "September."
- Section 19. Strike out, from Section 19, the word "October," and insert "August."
- Section 20. Strike out, from Section 20, the words "September" and "October," and insert "July" and "August."
- Section 21. Strike out, from Section 21, wherever it appears, the word "October," and insert "August;" also, the word "September," and insert "July;" also, the word "November," and insert "September."
- Section 23. Strike out, from Sections 23 and 31, the words "September" and "October," and insert "July" and "August."
- Section 33. Strike out, from Section 33, the word "September," and insert "July."
- Section 37. Strike out, from Section 37, the words "September" and "October," and insert "July" and "August."
- Section 38. Strike out, from Section 38, the word "August," and insert "June."
- Section 41. Strike out, from Section 41, the words "September" and "October," and insert "July" and "August."
- Section 50. Strike out, from Section 50, the words "Monday of September, and second Monday in October," in the fourth line, and insert "the second Monday of July," and "second Monday in August;" also, in line five, strike out "September," and insert "July;" also, in lines fourteen and twenty-one, strike out "October," and insert "August."
- Section 51. Strike out, from Section 51, the word "September," and insert "July."
- Section 52. Strike out, from Section 52, the word "October," and insert "August;" also, in line five, between the words "listed and," and insert "giving the first Christian name of the several persons."
- Section 56. Strike out, from Sections 56, 57 and 58, the word "September," and insert "July."
- Section 63. Strike out, from Section 63, all after the word "the," in line one, to "eighteen," in line two, and insert "September first."
- Section 65. Strike out, from Section 65, the words "second Monday of December," and insert "last Monday in August."
- Section 66. Strike out, from Section 66, all after the word "the," in line one, to "one," in line two, and insert "thirtieth of September;" also, between "State" and "an," on the fourth line, insert "and the County Commissioners;" also, strike out, from Section 66, line two, the words "sixty-eight," and insert "seventy-one."
- Section 67. Strike out, from Section 67, all after the word "on," in the fifteenth line, to the word "one," in the sixteenth line, and insert "or before the 5th of October;" also, strike out the words "sixty-eight" wherever they occur in the Section, and insert "seventy-three."
- Section 68. Strike out, from Section 68, all after the word "the," in the fifth line, to "annually," in the sixth line, and insert "second Monday of September."
- Section 69. Strike out, from Section 69, all after the word "County," on fifth line, to the word "and," on sixth line, and insert "on the first Monday in September."
- Section 72. Strike out, from Section 72, all after the word "the," in the sixteenth line, to "annually," in the same line, and insert "November 15th."
- Section 75. Strike out from Section 75, line twenty, the word "January," and insert "November."

Strike out, from Section 79, the words "the first day of March," and insert "the fifteenth day of January;" also, strike out the word "April," and insert "February;" also, the words "twentieth day of May," and insert "the second Tuesday in March."

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Section 79.

Strike out, from Section 80, the word "March," and insert "January."

Section 80.

Strike out, from Section 89, the words "the 10th of November," and insert "the 10th of September."

Section 89.

Amend Section 90 by adding: "And provided, further, That each County Auditor shall keep a record of all sales of conveyances of real property made in his County, in which he shall enter, in columns, the names of the purchaser and seller, the quality of land conveyed, the location and price of the same, and therefrom correct the County duplicates annually; and for the purpose of carrying out this provision, the Clerks of Courts and Registers of Mesne Conveyance of each County are hereby required to have the endorsement of the County Auditor on each and every deed of conveyance for real property, that the same is on record in his office, before the same can be placed on record in the offices of said Clerks of Courts or Registers of Mesne Conveyances, and the said County Auditor shall be entitled to collect a fee of twenty-five cents, for his own use, for making such entry and endorsement."

Section 90.

Strike out, from Section 91, the words "the fifteenth day of January," and insert "November twentieth."

Section 91.

Strike out, from Section 92, the words "first Tuesday in May," and insert "15th of January."

Section 92.

Strike out, from Section 94, the words "first week in September," and insert "the second week in June;" also, the words "the first," in sixth line, and insert "the last."

Section 94.

Strike out, from Section 95, the words, "the first day of March," and insert "the 15th of January."

Section 95.

Strike out, from Section 96, all from the word "taxes," in second line, and insert "from November 20th to March 20th."

Section 96.

Strike out, from Section 97, the words "first day of March," and insert "fifteenth of January;" also, strike out "the 20th day of May," and insert "the fifteenth of February."

Section 97.

Strike out, from Section 101, the word "July," and insert "April."

Section 101.

Strike out, from Section 105, the word "June," and insert "March."

Section 105.

Strike out, from Section 106, the words "the twentieth day of May," and insert "the fifteenth of February."

Section 106.

Strike out, from Section 107, the words "the twentieth day of May," and "the second Tuesday in June," and insert "the tenth of February" and "the first Monday in March;" also, on the twelfth line, strike out "June," and insert "March."

Section 107.

Strike out, from Section 108, the words "second Tuesday in June," and insert "first Monday in March."

Section 108.

Strike out, from Section 112, the word "July," and insert "April."

Section 112.

Strike out, from Section 132, the words "twentieth day of October," and insert "the last day of August."

Section 132.

Add to Section 145 the following words:

Section 145.

"The State Auditor is hereby authorized to have the City of Charleston surveyed and numbered, and to place the numbers in a conspicuous place in front of the buildings or lots. And it shall be a penal offence for the landlord, agent or tenant, to remove the same."

A. D. 1871.

Section 147.

Strike out, from Section 147, all after "147," and insert "the pay of Assessors shall in no instance be more than three dollars per day for each day actually and necessarily employed in the performance of the duties enjoined upon them in this Act."

Repeal in g
clause.

SEC 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3 This Act shall take effect on and after the tax levy shall be made for the fiscal year of 1871.

Approved March 8, 1871.

No. 380. AN ACT TO AMEND AND EXTEND THE CHARTER OF THE PLANTERS' AND MECHANICS' BANK, OF SOUTH CAROLINA, AND FOR OTHER PURPOSES THEREIN NAMED.

Preamble.

Whereas the capital of the Planters' and Mechanics' Bank of South Carolina has been reduced, by losses, from one million of dollars to one hundred thousand dollars, whereby the shares, originally worth twenty-five dollars each, are, at the present time, worth, in reality, but two dollars and fifty cents each; and the President and Directors of the said Bank have petitioned for leave to consolidate their said shares at that rate, so as to bring them up to their original par value:

May redeem
old and issue
new shares.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Board of Directors of the said Bank be, and they are hereby, authorized to consolidate the shares of the said Bank, by calling in their said shares, and issuing one share of the par value of twenty-five dollars for every ten of their present shares, so that the number of shares shall be reduced from forty thousand to four thousand: Provided, however, That the said Bank shall, at the request of stockholders now holding less than ten shares, redeem the said shares at the rate of two dollars and fifty cents per share.

To give pub-
lic notice
thereof.

SEC. 2. That the said Board of Directors, before reducing and consolidating the said shares, shall give at least thirty days' public notice, in one or more of the newspapers of the city of Charleston, of their intention so to consolidate, reduce and redeem the stock of the said Bank; and, from and after the day fixed and so publicly notified for the said consolidation, reduction and redemption of the said shares, no one shall be considered or held to be a stockholder of the said Bank who has not received a new certificate for the consolidated shares at twenty-five dollars per share: Provided, always, That the holder of any number of original shares under ten shall be at liberty to sell and assign the same to whomsoever he may choose, by endorsement upon the certificate held by him, which endorsement shall, without transfer at the Bank, entitle the assignee to demand the redemption of the said shares or the consolidation of them, whenever he has acquired or holds ten or more shares, at the price or rate as in the first Section of this Act provided.

May increase
the number of
shares.

SEC. 3. The said Board of Directors are hereby further authorized and empowered, from time to time, to increase the number of shares and the capital of the said Bank at any time after thirty days' notice of their intention so to do, published in one or more of the newspapers of

the city of Charleston, to a number not exceeding in the whole twenty thousand shares, each share to be of the par value of twenty-five dollars, and to open books of subscriptions for such additional shares, under such regulations as they shall prescribe: Provided, always, That the stockholders shall have preference in subscription to the increased stock, in proportion to the amount then held by them.

A. D. 1871.

Proviso.

SEC. 4. The said Bank is hereby further authorized to receive deposits, in such sums, and at such times, as the Board of Directors may state, by public advertisement, and pay the same, with a stipulated rate of interest upon them, at stated periods, the interest to be paid in money, or to be placed at the credit of said depositors, upon the same terms and conditions as the original deposits

May receive deposits.

SEC. 5. The present charter of the Bank is hereby altered and amended, as in the previous Sections of this Act is provided, and in all other respects the said charter is hereby confirmed as if those provisions had been originally incorporated in the said charter, and the said charter is also extended for a period of twenty-one years beyond its present termination.

SEC. 6. That all other powers herein conferred upon the Board of Directors of the Planters' and Mechanics' Bank be, and the same are hereby, conferred upon the Board of Directors of the Bank known as the Union Bank of South Carolina, which charter is also hereby amended and extended in the same manner, and that they shall have the same powers as are herein conferred.

Union Bank.

SEC. 7. That the charter of the People's Bank of South Carolina be, and the same is hereby, renewed for the term of twenty-one years from and after the sixteenth day of December, which shall be in the year of our Lord one thousand eight hundred and seventy-three.

People's Bank.

SEC. 8. That the said Bank, during said term of twenty-one years, shall enjoy all the privileges, rights, powers, immunities and benefits which it now enjoys under the existing charter of said Bank.

SEC. 9. That this Act shall be deemed a public Act

SEC. 10. That this Act shall not be construed to exempt any of the Banks named from State or municipal taxation.

Approved December 9, 1870.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT PROVIDING FOR THE ASSESSMENT AND TAXATION OF PROPERTY," PASSED SEPTEMBER 15, 1868, AND ALL ACTS AMENDATORY THERETO.

No. 381.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act providing for the assessment and taxation of property," approved 15th of September, 1868, and all Acts amendatory thereto, as provides for the appointment and pay of District Assessors, and assistants, be, and the same are hereby, repealed; and hereafter it shall be the duty of the County Auditors to receive the returns and make the assessments provided for in said Act, within the times prescribed by law, and for this purpose the offices of the County Auditors shall be kept open to

County Auditors to make assessment.

A. D. 1871.

May appoint assistants.

Compensation for such assistants — how to be obtained.

Persons failing to make required returns.

Penalty.

receive the returns of tax payers during such times as now, or may be hereafter, fixed by law.

SEC. 2. That the various County Auditors be, and they are hereby, authorized to appoint a sufficient number of assistants to enable them to complete the said assessment within the time fixed by law, and, to defray the expense of making said assessment, the said Auditors shall draw their warrants annually upon the County Treasurers, to be approved by the County Commissioners, for such sums as may be necessary, but not to exceed the following, to wit: The Auditor of Charleston County, two thousand dollars; the Auditors of Richland, Orangeburg, Edgefield, Beaufort, Barnwell, Colleton and Abbeville Counties, one thousand dollars; the Auditors of Chester, Darlington, Fairfield, Greenville, Marion, Sumter and York Counties, eight hundred dollars; the Auditors of Georgetown, Kershaw, Laurens, Lexington, Newberry, Spartanburg and Union Counties, seven hundred dollars; the Auditors of Chesterfield, Clarendon, Marlboro and Williamsburg Counties, six hundred dollars; the Auditors of Anderson, Horry, Lancaster, Oconee and Pickens Counties, five hundred dollars each.

SEC. 3. That whenever any tax payer shall fail to make returns to the Auditor of his County within the time prescribed by law, it shall be the duty of the County Auditor to enter on the tax duplicate, against such tax payer, the property charged to him the previous year, with fifty per cent. penalty added thereto, except in cases of sickness, or absence from the County, when the true amount of property only shall be charged.

Approved March 9, 1871.

No. 382. AN ACT TO GRANT, RENEW AND AMEND THE CHARTERS OF CERTAIN TOWNS AND VILLAGES THEREIN MENTIONED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same:

Village of St. Stephens.

St. Stephens. That from and after the passage of this Act, all citizens of this State having resided twelve months within this State and sixty days in the village of St. Stephens, shall be deemed, and are hereby declared to be, a body politic and corporate, and the said village shall be called and known by the name of St. Stephens, and its corporate limits shall extend three-fourths of a mile in each direction from the Depot of the North-eastern Railroad.

Limits of town.

SEC. 2. That the said village shall be governed by an Intendant and four Wardens, who shall be citizens of the United States, and who shall have resided in this State twelve months, and shall have been residents of the said village sixty days immediately preceding their election, and who shall be elected on the fourth Monday in March, 1871, and on the same day in each year thereafter, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one

Election of Intendant and Wardens.

years, citizens of the State, and who shall have resided within the State twelve months, and in the said village sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens, paupers and persons under disabilities for crime excepted.

A. D. 1871.

SEC. 3 The said election shall be held at some convenient public place in said village, from eight o'clock in the morning until four o'clock in the afternoon, and when the polls shall be closed the Managers shall forthwith count the votes and declare the election, and give notice thereof, in writing, to the Intendant therein being, who shall, within two days thereafter, give notice, or cause the same to be given, to the persons duly elected: Provided, The Commissioners of Election of Charleston County shall call the first election under this Act, and shall appoint Managers to conduct the same, who shall make return thereof to the Commissioners, the same as other elections held in this State. And the said Commissioners shall count the votes and declare the election, and notify the persons so elected Intendant and Wardens of the said village. The Intendant and Wardens, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of the State, and, also, the following oath, to wit: "As Intendant (or Warden) of the village of St. Stephens, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Council the sum of twenty dollars for the use of the said village: Provided, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices; nor shall any other person be compelled to serve, either as Intendant or Warden, more than one year in any term of three years. The Intendant and Wardens, for the time being, shall always appoint one or more Boards of Managers, three Managers for each Board, to conduct the election, who, before they open the polls, shall take an oath fairly and impartially to conduct the same.

Where and when held.

Oath of office.

SEC. 4. That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, removal, or otherwise, an election to fill such vacancy shall be held, by order of the Intendant and Wardens, or a majority of the same, ten days' public notice being previously given; and in case of sickness or temporary absence of the Intendant, the Wardens forming the Council shall be empowered to elect one of the number to act as Intendant during the time.

Vacancy — how filled.

SEC. 5. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of Trial Justices, or Justices of the Peace, as the case may be, in this State, within the limits of the said village, except for the trial of small and mean causes; and the Intendant shall, or may, as often as is necessary, summon the Wardens to meet in Council, any three of whom, with the Intendant, shall constitute a quorum to transact business; and they shall be known as the Town Council of St. Stephens; and they, and their successors in office hereafter to be elected, may have a common seal, which shall be affixed to all of their ordinances; may sue and be sued, plead and be impleaded, in any Court of justice in this State, and purchase, hold, possess and enjoy, to them and their successors, in perpetuity,

Corporate rights generally.

A. D. 1871.

Market and
guard house.Marshals—
their powers,
duties, &c.

or for any term of years, any estate, real, personal or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Town Council shall have authority to appoint, from time to time, as they may see fit, such and so many proper persons to act as Marshals or Constables of said village as the said Council may deem necessary and expedient for the preservation of the peace, good order, and police thereof, which persons, so appointed, shall, within the corporate limits of said village, have the power and privileges, and be subject to all the obligations, penalties and regulations, provided by law for the office of Constable, and shall be liable to be removed at the pleasure of said Council. And the said Town Council shall have power to establish, or authorize the establishment of a market house in said village, also to authorize the establishment of a guard house, and to prescribe suitable rules and regulations for keeping and governing the same; and, until the said guard house be established, they shall be authorized, to use a room in the common jail of the County of Charleston, for the confinement of all who may be subject to be committed for a violation of any ordinance, rules and regulations of said town. And the said Town Council, or the said Intendant and Wardens, in person, any one or more of them, may authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to the said guard house or jail of Charleston County, as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or any conduct grossly indecent, or dangerous to the citizens of said town, or any of them. And it shall be the duty of the Town Marshal or Constables to arrest and commit all such offenders, when required so to do, and who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrest; and, upon the failure of said officers to perform such duty as required, they shall, severally, be subject to such fines and penalties as the Town Council may impose upon them. And all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided for the collection of fines imposed for the violation of ordinances, rules and regulations: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence which he, she or they may have committed. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules and regulations, by-laws and ordinances, respecting the streets, roads, and the business thereof, as well as the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within said town. And the said Town Council may impose fines for offences against their by-laws, rules and regulations and ordinances, and appropriate the same to the public use of said town; and the said Town Council shall have the same power that Trial Justices or Justices of the Peace now have, or may hereafter have, to compel the attendance of witnesses, and requiring them to give evidence upon the trial before them of any person or persons for a violation of any of their ordinances, by-laws, rules or regula-

tions ; but no fine above the sum of twenty-five dollars shall be collected by said Council, except by suit in the proper Courts of Justice in this State ; and, also, that nothing herein contained shall authorize said Council to make any ordinance or by-law inconsistent with, or repugnant to, the laws of the State.

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SEC. 6. That the said Intendant and Wardens, or a majority of them, shall have power to abate and remove all nuisances in said town ; and it shall be their duty to keep all roads, ways, bridges and streets in said town open and in good repair ; and for that purpose they are invested with all the powers of County Commissioners or Commissioners of Roads, for and within the corporate limits of the said town ; and they may lay out new streets, close up, widen, or otherwise alter those now in use ; and shall have full power to classify and arrange the inhabitants or citizens of said town liable to street, road or other public duty therein, and to force the performance of such duty under such penalties as are now, or shall hereafter be, prescribed by law ; and they shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as their ordinances or by-laws may establish, or their rules and regulations require, the moneys so received to be applied to the public uses of said town ; and all persons refusing to labor, or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars for any one year, as the said Town Council may impose ; and they shall have the power to enforce the payment of such fine in the same manner as is now, or may be hereafter, provided for the collection of County taxes. And the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said town as they may deem necessary, by the sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of the said town ; and they shall keep in repair all such new streets, roads and ways as they may, from time to time, deem necessary for the improvement and convenience of said town : Provided, That no street, road or way shall be opened without first having obtained the consent of the land owner or owners thereof, through whose premises any such new street, road or way may pass.

Abate nuisances.

Streets, ways and roads.

Persons liable to public work.

Close and open streets.

Proviso.

SEC. 7. The said Town Council shall have power and authority to require all persons owning a lot or lots in said town, to close in, and to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any public street of said town, if, in the judgment of the Council, such sidewalk shall be necessary, the width thereof, and the manner of construction, to be designated and regulated by the said Town Council ; and for default or refusal, after reasonable notice, to make and keep in good repair such sidewalks, and to close such lot or lots, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing ; and the said Town Council are hereby empowered to sue for and recover the same, by action of debt, in any Court of competent jurisdiction : Provided, That such contract for making or repairing is let to the lowest bidder. The cemeteries and public graveyards are also placed under the jurisdiction of the said Town Council.

Sidewalks.

SEC. 8. The Intendant and Wardens of the said town, or a majority of them, shall have full power to grant or refuse license to keep taverns or retail spirituous liquors within the corporate limits of the said town,

Power to grant licenses

A. D. 1871.

Annual taxation.

upon such conditions, and under such circumstances, as to them shall seem proper and right: Provided, That, in no instance shall the price of a license to keep a tavern or to retail spirituous liquors be less than the amount that is established by the State; and all moneys paid for licenses and for fines and forfeitures, shall be appropriated to the public uses of said town: Provided, That the Intendant and Wardens, duly elected, shall not have power to grant any license to keep tavern, or retail spirituous liquors to extend beyond the term for which they have been elected. They shall have power to regulate sales at auction within the corporate limits of the town, and to grant licenses to auctioneers, itinerant traders, to keepers of hotels and livery stables; and to levy a tax on all drays, carts, wagons, carriages, omnibuses, buggies, horses, mares or mules, kept for hire, or used for public purposes in said town; and they shall have the full and only power to impose a tax on all shows or exhibitions for gain or reward, within the corporate limits of said town; they shall have power to impose a tax, not exceeding twenty cents on every hundred dollars of the value of all real and personal property lying within the corporate limits of the town, the real and personal property of churches and school and college associations excepted. That an ordinance declaring the rates of annual taxation upon property and other subjects of annual taxation for the year, shall be published at least three weeks during the month of January in each year: Provided, That the said Town Council shall have power to levy a tax for this year, under the same rule as is above stated, immediately after the passage of this Act; and that all persons liable to taxation under the same shall make oath of their taxable property within said town, and make payment of their taxes to the Clerk or Treasurer of said corporation, or such other person as they may be ordered or required to do during the succeeding month after publication, and upon the failure to make such return and payment, as required, the parties so in default shall be subject to the penalties provided by law for failure to pay the general State and County tax, to be enforced by the orders of the Intendant and Wardens, or a majority of them, for the use of said town, except that, in such cases, that executions to enforce the payment of such taxes shall be issued under the seal of the corporation, and may be directed to the Town Marshal, or other person appointed by the said Town Council, to levy, collect and receive the same, with costs, as in such cases made and provided by law; and all property upon which such tax shall be levied and assessed is hereby declared and made liable for the payment thereof in preference to all other debts, except debts due to the State, which shall be first paid; and that all other taxes imposed by the Intendant and Wardens, or a majority of them, shall be payable, in advance, by the parties liable for the same, and, on failure of payment, their property shall be liable for the same, as in manner and form just before stated.

SEC. 9. The Intendant and Wardens elect, together with Clerk and Treasurer, shall, during their term of office, be exempt from street and police duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors in office, a full account of their receipts and expenditures during their term; which account shall be published in one or more papers of the town or County; and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and other

papers incident to their office, to their successors; and, on failure to do so, they shall be liable to be fined in a sum not exceeding five hundred dollars, to be collected by any proper action of the Town Council.

SEC. 10. That all ordinances or by-laws passed by the Town Council of St. Stephens shall be binding upon the citizens of said town, the same as the laws of the State.

SEC. 11. That all Acts and parts of Acts inconsistent with, or supplied by, this Act, be, and the same are hereby, repealed.

SEC. 12. This Act shall be deemed a public Act, and continue in force for the term of twenty years, and until the end of the Legislature thereafter.

Town of Sumter.

SEC. 13. That from and immediately after the passage of this Act, all and every person, or persons, who are constitutionally qualified to vote for members of the General Assembly of this State, and who may reside within the present corporate limits of the town of Sumter, for sixty days immediately preceding an annual election for Intendant and Wardens, are hereby declared members of the said corporation.

Sumter.

SEC. 14. That the said persons and their successors shall, from and after the passage of this Act, become a body corporate and politic, and shall be known and called by the name of the Town of Sumter; they shall have a common seal, may sue and be sued, implead and impleaded, in any Court of law or equity in this State, and may purchase, hold, possess and enjoy, to them and their successors, in perpetuity, or for any term of years, any estate, real, personal or mixed.

SEC. 15. That the municipal offices of said town shall be, and are hereby, vested in an Intendant and four Wardens, to be chosen as hereinafter mentioned and directed, who shall be denominated the Intendant and Wardens of the town of Sumter, and shall be persons who actually reside within the limits of said corporation, and have so resided at least sixty days immediately preceding their election.

Government of town.

SEC. 16. That on the second Tuesday in April of each year, an election for Intendant and Wardens shall be held at such convenient place, or places, within said town, as may be designated by said Intendant and Wardens; at which election all such persons as have been before declared members of the said corporation shall be entitled to vote by general ballot.

Election of officers.

SEC. 17. That the Intendant and Wardens duly elected and qualified, as above directed, before they enter upon the duties of their office, shall, in addition to the oath prescribed in Section 30 of Article II of the Constitution, take the following oath, to wit: "I, as Intendant (or Warden) of the town of Sumter, do solemnly swear, or affirm, that I will equally and impartially, to the best of my skill and judgment, exercise and discharge the trust reposed in me, and will endeavor to carry into effect the purposes for which I have been elected: So help me God." And that the said Intendant and any two of the Wardens shall constitute a quorum for the transaction of business; and in case of the death, resignation, or absence from town of the Intendant aforesaid, the said Wardens, or a majority of them, shall elect from among themselves an Intendant to fill such vacancy occasioned as aforesaid, and that in case of death, re-

Oath of office.

Vacancy — how filled.

A. D. 1871.

removal from office, or resignation of any of the said Wardens, then, and in such case, the Intendant and any two Wardens shall appoint a time and place for election of another Warden to fill the vacancy so occasioned, after having given ten days' previous notice of such election.

Town Council—their powers and duties.

SEC. 18. That the Intendant may, as often as occasion requires, summons the Wardens to meet together, and the said Intendant and Wardens shall have, and are hereby vested with, full and ample power, from time to time, under their corporate seal, to make all such ordinances, rules and regulations relative to the streets, roads, ways and market of the said town, as they may think proper and necessary, and establish such by-laws as may tend to preserve the quietude, peace, safety and good order of the inhabitants thereof, not inconsistent with the Constitution and laws of the State, and that they may impose fines and penalties for the violation thereof, which may be recovered in a summary way before the said Intendant and Wardens, as hereinafter provided; and each and every one of them shall be a Magistrate or Trial Justice, or Justice of the Peace, as either of such offices shall exist in this State, within the limits of the said town, and shall otherwise be vested with all power and authority that such officer may be vested with throughout the State, except in civil cases: Provided, nevertheless, That all such ordinances, by-laws, rules and regulations so made, be duly promulgated, and that no such fine, in any one case, and for any single offence, shall exceed the sum of fifty dollars.

Judicial powers.

How fines may be recovered.

SEC. 19. That when any fine imposed by the said Intendant and Wardens, by virtue of this Act, shall exceed twenty dollars, the same may be recovered before any Magistrate, Trial Justice, or Justice of the Peace for Sumter County; and when such fine shall be for twenty dollars, or under, they may be recovered before the said Intendant and Wardens, or any three of them; all which fines, when recovered, shall be applied to the uses of said town.

Power to grant licenses

SEC. 20. That the said Intendant and Wardens shall have full and exclusive power to grant or refuse licenses to keep taverns, to retail spirituous liquors, or to keep billiard tables within the corporate limits of said town, and to regulate the prices of the same: Provided, That the said licenses shall not be fixed at a lower rate than that now or hereafter to be established by law; and they shall have power to impose such restrictions and conditions upon the manner of using and exercising such licenses as they may think proper; and all moneys paid for such licenses, as Court of General Sessions, for retailing or keeping billiard tables, without licenses, within the corporate limits of said town, shall be received by said Intendant and Wardens for the use of said corporation.

Annual taxation.

SEC. 21. That the said Intendant and Wardens shall have power and authority to impose the following annual taxes for the uses and purposes of the said town; that is to say, twenty cents on the value of each one hundred dollars of real estate within the corporate limits of said town, (except the real estate of churches and institutions of learning,) the value of such real estate for taxation to be ascertained and assessed as hereinafter provided for, not exceeding twenty cents on each one hundred dollars of the proceeds of all sales of goods, wares, merchandise in said town; not exceeding three dollars on each pleasure carriage drawn by one horse; not exceeding five dollars on each pleasure carriage drawn by two or more horses; not exceeding five dollars on

Rate of taxation.

A. D. 1871.

each vehicle of any kind kept for hire or profit, and drawn by one horse; not exceeding ten dollars on each vehicle of any kind kept for hire or profit, and drawn by two horses; not exceeding twenty dollars on each vehicle of any kind kept for hire or profit, and drawn by more than two horses; and not exceeding twenty cents upon each one hundred dollars of all sales made at auction or upon consignment, within the corporate limits of said town, except sales made by order of Court, or by process of law, or by executors or administrators.

SEC. 22. The Clerk of the said Town Council shall, annually, make out an assessment, from the books of the County Auditor, of all real estate in the limits of said town for taxation, and shall make return of said assessment to the Intendant and Wardens within one month from the time of his appointment.

Assessment.

SEC. 23. That an ordinance declaring the rate of annual taxation upon property, and other subjects of annual taxation for the year, shall be published at least three weeks during the month of October, in each year; and that all persons liable to taxation under the same shall make their return, on oath, and make payment of their tax to the Clerk and Treasurer (hereinafter constituted) of the said corporation during the succeeding month of November; and, upon failure to make such return and payment, the parties so in default shall be subject to the penalties now provided by law for failure to pay the general State tax; the said penalty to be enforced by the said Intendant and Wardens for the use of the said town. And that all other taxes imposed by the Intendant and Wardens shall be payable in advance by the parties liable therefor; and that, for non-payment of the same, the party in default shall be subject to the same penalty as hereinbefore set forth in relation to annual taxes.

SEC. 24. That the said Intendant and Wardens are hereby authorized to appoint a Clerk and Treasurer to record proceedings, and collect the taxes imposed under and by virtue of this Act; and it shall be the duty of the said Clerk and Treasurer to collect the same, and, for this purpose, he shall have and exercise all the powers conferred upon County Treasurers. All property upon which a tax shall be assessed is hereby declared and made liable for the payment thereof in preference to all other debts due by the person owning the property at the time of assessment, except debts and taxes due the State, which shall be paid first.

Who to collect taxes.

SEC. 25. That in case of sickness or temporary absence of the said Intendant, the Wardens shall be empowered to elect one of their own number to act as Intendant for the time.

SEC. 26. That the said Intendant and Wardens of the said town of Sumter are hereby authorized and empowered to establish and keep up one or more public scales or scale houses, with proper scales and weights for weighing cotton and other articles sold by weight in the said town, by and at the expense of the said town.

Public scales.

SEC. 27. That the said Intendant and Wardens be, and they are hereby, authorized to appoint one or more public weighers, who shall be sworn by the said Intendant faithfully to perform the duties of said office, and who shall be removable for misconduct or incompetency by said Intendant and Wardens; and when reference is had to any of the public scales used by said weighers, by the authority of said Intendant and Wardens, on the same day that the contract of sale is made, the certificate of public

Public weigher.

A. D. 1871.

weighers shall be conclusive evidence of the weight of the cotton, or any other article sold by weights, in any Court of justice in which an action shall be pending touching the weight of any such article; and the said Intendant and Wardens are hereby authorized to assess a sum not exceeding ten cents on each bale of cotton, and a proportionate sum on other articles weighed, to be paid by the seller for the use of the said town

SEC. 23. That the public scales and weights established in pursuance of this Act, shall be the standard to which all others in the said town shall conform; and if any person shall use, in weighing any article whatsoever sold in said town, weights and scales differing from the said standard, such person, on conviction in the Court of Sessions for Sumter County, shall be fined and imprisoned, at the discretion of the Court.

Guard house
to be estab-
lished.Power to
arrest, &c.

SEC. 29. That the said Intendant and Wardens shall have power to establish and keep a guard house and town prison, and to make all suitable rules and regulations for the proper government of the same; and any of the police, appointed by the said Intendant and Wardens, are authorized to arrest and commit to the custody of the said guard house or town prison, for a term not exceeding twenty-four hours, any person or persons who may be guilty, within the corporate limits of the town, of a breach of the peace, or of public drunkenness, or of open indecency, or any other disorderly conduct injurious to the peace, safety and good order of the citizens; and the said police shall, whenever necessary, in the discharge of their duty, have authority to call the *posse comitatus* of the said town to their assistance; and any person so arrested and imprisoned shall be liable to all the costs and expenses of said arrest and imprisonment, and be further liable to any fine which the said Intendant and Wardens may impose for their misconduct.

Licenses.

SEC. 30. That the Intendant and Wardens are hereby authorized and empowered to make such ordinances as they may deem expedient in relation to licensing persons who are, or may be, engaged in and carrying on any business within their corporate limits: Provided, That no ordinance shall be made inconsistent with the Constitution of this State, and laws of the land.

May borrow
money.

SEC. 31. That the Intendant and Wardens of the town of Sumter be, and they are hereby, authorized to borrow money, by issuing town stock, from time to time, to the amount of twenty thousand dollars, if so much be necessary, for the purpose of erecting a market and town hall, but never, in any way or form, to make the town liable for exceeding that amount in the aggregate: Provided, That the private property of the citizens of the said town of Sumter shall not be liable, in law or in equity, for the payment of the corporate debts that shall or may be created under the granted powers herein made, or in any other mode than by a regular and uniform taxation.

SEC. 32. That the Intendant and Wardens shall, within twenty days of the expiration of their term of office, make out and publish a full account of their receipts and expenditures, during their term, and shall pay and deliver to their successors all moneys, books, records, papers or property in their hands, belonging to the corporation.

Time of the
election of
officers.

SEC. 33. That the first election held after the passage of this Act, the Clerk of the Court of Common Pleas for Sumter County is hereby required to give ten days' public notice of the time and place, or places, of holding said election, and appoint Managers to conduct the same: Provi-

ded, further, That immediately after the close of any election held for the election of Intendant or Wardens, the Managers shall forthwith proceed to count the votes, declare the election, and give notice of the result thereof, in writing, to the persons elected, who, if eligible, shall thereupon qualify.

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SEC. 34. That this Act shall be deemed a public Act, and shall continue in force for fourteen years, and until the end of the next session of the General Assembly thereafter.

SEC. 35. That all Acts, or parts of Acts, inconsistent with this Act, be, and the same are hereby, repealed.

Town of Wrightsville.

SEC. 36. *And be it further enacted,* That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Wrightsville, and those who may occupy such dwelling houses, under lease, shall be deemed, and are hereby declared to be, a body politic and corporate, and that the said village shall be called and known by the name of Wrightsville, and its limits shall be held and deemed to extend three-fourths of a mile in every direction from the Episcopal Church.

SEC. 37. *And be it further enacted,* That the said village shall be governed by an Intendant and four Wardens, who shall be elected on the first Monday in March, 1871, and on the same day in every year thereafter an election shall be held for an Intendant and four Wardens, who shall always be persons living within the limits of said village, at such place as the Intendant and Wardens shall designate, ten days' notice being previously given; and that all the male inhabitants of said village, who shall have attained the age of twenty-one years, and have resided therein sixty days previous to the election, shall be entitled to vote for said Intendant and Wardens, the election to be held from seven o'clock in the morning until six o'clock in the afternoon, and when the polls shall be closed the Managers shall proclaim the election, and give notice thereof, in writing, to the persons elected; and that the Intendant and Wardens, for the time being, shall appoint three (3) Managers to hold the ensuing election: Provided, That the present Commissioners of Election do appoint Managers for the first organic election, and that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Wrightsville, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God."

Intendant and Wardens; when elected

Oath of office.

SEC. 38. *And be it further enacted,* That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, removal from office or absence from the State, an election shall be held, by the appointment of the Intendant and Warden, or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during the time

Vacancies—how filled.

SEC. 39. *And be it further enacted,* That the Intendant and Wardens,

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Judicial
powers of officers.

duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of Justices of the quorum of the State, within the limits of said village; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Wrightsville, and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as Constables within their jurisdiction, according to law, as they shall deem expedient and proper, which Constables shall have all the powers, privileges and emoluments, and be subject to all duties, penalties and regulations provided by the laws of the State for the office of Constables; and the Intendant and Wardens, in Council, shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving health, peace, order and good government within the same; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars, and when fines exceed twenty dollars they may be recovered in the Justices' Courts of Charleston County; and when they are of the amount of twenty dollars or under, the same may be recovered before said Intendant, in Council: Provided, Nothing herein contained shall empower the said Council to ordain or establish any by-laws or ordinances inconsistent with, or repugnant to, the laws of the land; and all such by-laws and ordinances shall, at all times, be subject to revisal or repeal by the Legislature.

Constables—
their powers
and duties.May impose
fines.

Proviso.

Abate nuis-
ances.

SEC. 40. *And be it further enacted*, That the said Intendant and Wardens shall have power to abate and remove nuisances within said limits, and, in case of disorderly behavior, the Intendant and Wardens, or any of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, or a Trial Justice of the Peace, within the limits of the town of Wrightsville, and, upon due examination, shall either release, admit to bail, (if the offence be bailable,) or commit to jail such offenders, as the case may require; and the Sheriff of Charleston County is hereby required to receive and keep the persons so committed until discharged by a due course of law; and the said Intendant and Wardens shall, collectively and severally, have jurisdiction within said corporate limits, in all criminal cases, as Trial Justices and Quorums have, according to law.

May build a
guard house.

SEC. 41. *And be it further enacted*, That it shall be the duty of said Intendant and Wardens to keep all roads, streets and alleys within said limits open and in good repair; also to erect a "lock-up," if necessity require; and the said Intendant and Wardens may have power to grant or restrain any license for the sale of intoxicating liquors within the corporate limits of said town, and if said license be granted, as aforesaid, the parties taking out the same, to pay any amount to said corporation that they may assess on said sales, instead of the County treasury; and for that purpose they are invested with all the powers granted by law to the County Commissioners, and, for neglect of duty, shall

Licenses.

be liable to the penalties imposed by law upon County Commissioners for like neglect.

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Town of Aiken.

SEC. 42. *And be it further enacted*, That the citizens of this State, who may be inhabitants of the Town of Aiken, or owners of freehold therein, within the limits hereinafter prescribed, are hereby declared a body corporate. The limits of the said town shall be held and deemed to be in the form of a circle, and a square upon that circle, with the sides of the square touching the circumference of said circle, on the North, East, South and West. The said circle to describe a circumference, one mile in all directions, from the central point of the intersection of the Railroad avenue and Union street, as the centre of the said town; and the streets within the limits of the said corporation to remain, in regard to number, location and extent, as now established by law, until altered by lawful authority.

Aiken.

Limits of town.

SEC. 43. The said town shall be called Aiken, and be governed by an Intendant and six Wardens, to be called the Town Council of Aiken, and by that name have succession of members, keep a common seal, take and hold property, (necessary for corporate uses only,) sue and be sued, plead and be pleaded, and enjoy every right incident to an incorporation.

Officers of said town.

SEC. 44. That the said Intendant and Wardens shall be always persons who are constitutionally qualified to vote for members of the Legislature in this State; who actually reside within the limits aforesaid, and have so resided at least twelve months immediately preceding their election. Before entering upon the duties of their office, they shall take the following oath, to wit: "I do solemnly swear, (or affirm, as the case may be,) that I am duly qualified, according to the Constitution of the United States, and of this State, to exercise the duties of the office to which I have been elected, (or appointed,) and that I will faithfully discharge, to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina, as ratified by the people on the sixteenth day of April, 1868; and I do further solemnly swear, as Intendant (or Warden) of Aiken, that I will equally and impartially discharge the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in September ensuing, and until their successors shall be elected, and enter on the discharge of their duties.

Oath of office.

SEC. 45. That all male persons who are Constitutionally qualified to vote for members of either branch of the State Legislature, and who have been permanent residents in the said town for six months immediately previous to the election in which they offer to cast their votes, or who are owners in their own right of a freehold estate in said town, of which they have been legally seized for three months previous to the election, accompanied with actual residence in the town (which, however, must be periodical, or intended so to be,) for at least one month previous

Electors.

A. D. 1871.

to the election, shall be entitled to vote for Intendant and Wardens of the said town. The Town Council shall also be authorized to prescribe, should they at any time deem it expedient, as a qualification for voting for Intendant and Wardens, the payment of a poll tax not exceeding the sum of one dollar.

Vacancies—
how filled.

SEC. 46. That in case a vacancy should occur in the office of Intendant, or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held, by the appointment of the Intendant and Warden, or Wardens, as the case may be, ten days' public notice being previously given; and the Intendant, in case of his sickness or temporary absence, is authorized and empowered to nominate and appoint any one of the Wardens to act as temporary Intendant, or, failing so to do, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his room during the time.

Where and
when election
shall be held.

SEC. 47 The election of the Intendant and Wardens of the said town shall be held at the Town Hall, or some other convenient public place in the said town, on the second Monday in September of each and every year, from ten o'clock A. M., until three o'clock P. M., when the polls shall be closed, and the Managers shall forthwith count the votes, proclaim the election, and give notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall appoint three Managers to hold the ensuing election, and for any subsequent elections; the Managers shall always, in each case, be persons who are able to read and write with facility, and shall, before they open the polls for such elections, take an oath fairly and impartially to conduct the same; and the Managers of such election are hereby authorized and empowered to administer, if they see fit, an oath to any person offering to vote, and to make all other necessary inquiries for the purpose of ascertaining whether such person is qualified to vote under this law.

Judicial pow-
ers of officers.

SEC. 48. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, within the limits of said town, be vested with all the powers and jurisdiction of Magistrates or Trial Justices of this State, except for the trial of small and mean causes; and the Intendant shall, as occasion may require, summon the Wardens to meet in Council, a majority of whom shall constitute a quorum for the transaction of business. The said Town Council shall have full power, under its corporate seal, to ordain and establish all such rules, by-laws and ordinances respecting the streets, pavements, ways, markets, public buildings, weights, measures, wells, disorderly places, fire department, police, and, in general, every other by-law, as shall appear to them requisite for the security, welfare and convenience of the said town, and for preserving health, peace, cleanliness, order and good government within the same, and to prevent the violation of its ordinances, by ordaining suitable fines, not, however, in any case to exceed the sum of fifty dollars: Provided, That no fine above the sum of twenty dollars shall be collected by the said Council, except by suit in a Court of competent jurisdiction: And provided, further, That no ordinance shall be repugnant to, or inconsistent with, the law of the land; and all ordinances shall be, at all times, subject to repeal by the Legislature.

SEC. 49. The Intendant and Wardens shall have power to elect or

appoint a Marshal, and, if they see fit, a Deputy Marshal, upon such terms as they may deem proper, who shall be duly sworn in by the Intendant, and vested with all the power Constables now have by law, and whose power and authority shall be particularly confined within the limits of the said town; but whose further power and authority shall also extend to the arresting and taking in custody any person or persons within a distance of four miles in each and every direction, beyond and without the corporate limits, who shall violate any ordinance of the said town: Provided, Said offence be committed within the corporate limits. The duties of the Marshal shall be to collect all fines and forfeitures imposed by the Intendant and Wardens, and to enforce and carry into execution and effect the by-laws and ordinances of the said corporation, and who shall be liable to be removed by the said Town Council; and the said Intendant and Wardens shall also have power to establish an ordinance whenever they shall deem it expedient, to ordain and establish a police corps for the said town, the expense of the same to be provided for out of the revenue of the said corporation.

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May appoint
Marshals and
Constables.

Proviso.

SEC. 50. The Intendant and Wardens shall have power to elect or appoint a Clerk, who shall also be Treasurer, whose duty it shall be to attend all meetings of Council, and make a record in a book kept for that purpose of all the proceedings thereof; to take charge of all papers belonging to Council, and to lodge with the proper officers all summons, executions, &c., and receive returns; to keep a regular account of all receipts and disbursements, which accounts shall, at all times, be accessible to the Intendant or any of the Wardens; and it shall be his duty to make an official semi-annual report to the Council of the state of his accounts, at which times the doors of the Council room shall be open to all the citizens of the said town; and which reports shall be regularly entered in a book kept for that purpose. He shall attend to the publication of all ordinances and other documents ordered by Council to be published. He shall hold his office for such term as Council may prescribe, not, however, exceeding one year, and shall receive such compensation for his services as Council may enact: Provided, That he may be removed from his office at the pleasure of the said Town Council, and, before entering upon the duties of his office, he shall give bond, in the penal sum of three thousand dollars, for the faithful discharge of the same.

Clerk and
Treasurer of
town — their
duties.

SEC. 51. That the said Town Council shall have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same; and the said Town Council may, by ordinance, or said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal, Deputy Marshal or police officer, or any Constable, specially appointed, to arrest and commit to said guard house, or other place of custody, to be designated by the Intendant, for a term not exceeding forty-eight hours, any person or persons who may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of the said town, or any of them. And it shall be the duty of the Town Marshal or other police officer to arrest and commit all such offenders, and who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and, upon failure of said Marshal or police officer

May estab-
lish a guard
house.

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to perform such duty as required, they shall, severally, be subject to such fines and penalties as Council may establish. And all persons lawfully imprisoned shall pay the costs and expenses incident to their imprisonment, and be subject to such fines as Council may impose for the offence committed.

SEC. 52. That the said Intendant and Wardens shall have full power to abate and remove nuisances in said town.

Roads, ways
and streets.

SEC. 53. That it shall be the duty of the said Council to keep all roads, ways and streets within the corporate limits open and in good repair, and for that purpose they are invested with all the powers vested in the County Commissioners; and they shall have full and exclusive power to order out all the hands now liable, or hereafter made liable by the laws of this State, and to require them to work on the respective roads, ways and streets, within the limits of the said corporation, as many days in each year, and to inflict the same fines and penalties for the non-performance thereof, as is by law now inflicted by the different Boards of County Commissioners: Provided, It shall not be obligatory on the Town Council to open any street within the limits of the said town, unless upon the petition of the person applying for the same, alleging that the said street is necessary for his use and accommodation, and that there is no other direct or convenient access for him to the business part of the town; which petition shall be verified by the affidavit of the applicant, and recommended by at least twelve of the taxable inhabitants of the said town.

Persons liable
to work on
public roads,
&c.

SEC. 54. That said Intendant and Wardens shall have power to compound with all persons liable to work on said roads, ways and streets, upon the payment of such sums of money as they may deem a fair equivalent therefor, to be applied to the use of the said corporation. And the Intendant and Wardens are hereby individually exempted from the performance of road and street duty, and no person residing within the said town shall be liable to work on any road without the said limits, or to be taxed or assessed for the same.

May grant
licenses.

SEC. 55. That the power to grant licenses for billiard tables, to keep taverns, or retail spirituous liquors, within the limits of the said corporation, be, and the same is hereby, vested in the Town Council of Aiken, which licenses shall be granted in the same manner, and upon the same conditions, as they now are, or may hereafter be, under the laws of this State: Provided, That no billiard table kept by the boarding houses and hotels of said town, for the use of borders, shall be subject to a tax, unless the same is also kept for the use of the public generally, and for profit and gain; and all moneys received for licenses, taxes, fines, exhibitions, &c., within the said limits, shall be appropriated to the public uses of said corporation.

May impose
fines.

SEC. 56. That all fines and forfeitures imposed by said Town Council, under the power vested by law, shall be collected in the same manner as the general State tax is now by law collected. The Sheriff for the County, for the time being, and his lawful deputies, be, and they are hereby, authorized to execute the process of the said Council of Aiken, as by law the Marshal of said corporation might or should now do, having the same privileges, powers and emoluments, and subject to the same duties and penalties as therein provided: Provided, That all *nulla bona* costs incident on any execution issuing from said Town Council, and directed to the said Sheriff, shall be paid by said Town Council.

SEC. 57. That the said Town Council of Aiken shall have power to impose, for the use of the said corporation, the following annual taxes: On all real estate within the said limits, except that held for religious or charitable purposes, a tax not exceeding one-quarter of one per cent; on all sales of merchandise and income arising from factorage, faculties and professions, except the salaries of clergymen of all religious denominations, a tax not exceeding one-eighth of one per cent; on all wheel carriages kept for hire, a sum not exceeding five dollars each; on all itinerant traders, a tax not exceeding twenty-five dollars; also, to prescribe and fix the tax on all shows and exhibitions, within the limits of said corporation; and the said Town Council shall have power to enforce the payment of all taxes and assessments levied under authority of this Act, against the property of all defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general State tax, except that the executions may be directed either to the Sheriff, or the Town Marshal, or other person especially appointed by Council to collect the same.

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Annual taxation.

SEC. 58. And the said Town Council shall be authorized to borrow money for educational and corporate uses only, and to assess each of the corporators in an amount not exceeding twenty-five per cent. on his corporation tax, to aid in the payment of the principal and interest of the said debt: Provided, That the funded debt of the said town shall at no one time exceed the sum of five thousand dollars: And provided, also, That no loan shall be consummated without the previous concurrence of the voters of the said town who are subject to a property tax, to be ascertained through the medium of the ballot-box, after ten days' public notice, as is provided in the case of election for Intendant and Wardens.

May borrow money.

SEC. 59. That the original charter of Aiken, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and all Acts amendatory thereof, as well as all others repugnant to this Act, be, and the same are hereby, repealed, and that this Act shall be deemed and taken to be a public Act, and shall continue in force for twenty years.

Town of Williston.

SEC. 60. That the charter of the town of Williston, in the County of Barnwell, be, and the same is hereby, renewed and extended for the term of fourteen years from the date of the passage of this Act.

Williston.

Town of Grahams.

SEC. 61. That all persons, citizens of the State of South Carolina, who are now, or who may hereafter become, inhabitants of the town of Grahams, shall be deemed, and are hereby declared, a body politic and corporate, and that said town shall be called and known by the name of Grahams, and its limits shall be deemed and held to extend one-half mile in each direction from the railroad depot in said town.

Grahams.

SEC. 62. That the said town shall be governed by an Intendant and four Wardens, who shall be elected on the first Monday in September next, on which day, as well as on the first Monday of September of every year thereafter, an election shall be held for an Intendant and four War-

Intendant and Wardens—their election.

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Oath of office.

Vacancies—
how filled.Judicial pow-
er of said offi-
cers.Constables,
&c.Nuisances—
removal of.

dens, who shall be citizens of the State of South Carolina, and shall have been residents of said town for sixty days immediately preceding said election, at such place in said town as the Intendant and Wardens shall designate, ten days' notice, in writing, being previously given; and that all male inhabitants of the said town, of the age of twenty-one years, who have resided therein sixty days previously to the election, shall be entitled to vote for said Intendant and Wardens; and the election shall be held from nine in the morning until three o'clock in the afternoon, when the polls shall be closed and the Managers shall count the votes and proclaim the election and give notice thereof, in writing, to the persons elected; and that the Intendant and Wardens, for the time being, shall appoint the Managers to hold the ensuing election; that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of Grahams, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes of my appointment: So help me God."

SEC. 63. That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, removal from State, or from any other cause, an election shall be held by the appointment of the Intendant and Warden or Wardens, as the case may be, ten days' notice thereof as aforesaid being given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves to act as Intendant during such sickness or absence.

SEC. 64. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of other incorporated towns of this State, in matters civil and criminal, within the limits of said town; that the Intendant shall, as often as occasion may require, summon the Wardens to meet him in Council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Grahams, and they and their successors in office shall have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as Marshals or Constables as they shall deem expedient and proper, which officers shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations provided by the laws of this State for the office of Constable. And the Intendant and Wardens, in Council, shall have power and authority, under their corporate seal, to ordain and establish all such rules and by-laws and ordinances respecting the streets, ways, public wells and springs or fountains of water, markets and police of the said town, and for preserving health, peace, order and good government within the same, as they may deem expedient and proper; and the said Council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation, but no fine shall exceed twenty dollars; all fines may be recovered by an action for debt before a proper tribunal.

SEC. 65. That the said Council shall have power to abate and remove nuisances within the limits of said town; and also to classify and ar-

range the inhabitants liable to police duty, and to require them to perform such duty as occasion may require; and to enforce the performance thereof under the same penalties as are now, or may hereafter be, established by law: Provided, always, nevertheless, That the said Town Council shall have power to compound with persons liable to perform such duties upon such terms as they shall, by ordinance, establish.

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SEC. 66. That it shall be the duty of the Intendant and Wardens to keep all streets and ways which may be necessary for public use within the limits of the said town open and in good repair, and for that purpose they are hereby invested with all the powers, rights and privileges granted by law to the Commissioners of Roads within the limits of said town. And, for neglect of duty, they shall be liable to the pains and penalties imposed by law upon Commissioners of Roads for like neglect. And they are hereby individually exempt from the performance of road and police duty. And the inhabitants of said town are hereby excused from road and police duty without the limits of said corporation.

Roads, ways and streets.

SEC. 67. That the said Intendant and Wardens shall have power to compound with persons liable to work on the said streets and ways, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said corporation.

Persons liable to work on public streets

SEC. 68. That the said Town Council of Grahams shall also be empowered to retain, possess and enjoy all such property as they may now be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien, or in any way transfer the same, or any part thereof: Provided, The amount of property so held, or stock invested, shall, in no case, exceed twenty thousand dollars.

SEC. 69. That the said Town Council of Grahams shall also have power to impose an annual tax on all real and personal property within the corporate limits of said town: Provided, Said tax does not exceed ten cents on the one hundred dollars.

Annual taxation.

SEC. 70. That the Intendant, and Wardens of the Town of Grahams shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, That nothing herein contained shall extend to sales by or for Sheriffs, Clerks of Courts, Judges of Probate, Coroners, Executors and Administrators, Assignees, or by any other persons, under the order of any Court or Trial Justice.

SEC. 71. That the Intendant and Wardens of the Town of Grahams shall have power and authority to require all persons owning a lot or lots in the said Town of Grahams to keep in repair the sidewalks adjacent to their lots respectively, and, for default in this matter, shall have power and authority to impose a fine not to exceed ten dollars.

Sidewalks.

SEC. 72. That the power to refuse or grant licenses to keep a tavern or to retail intoxicating drinks be, and the same is hereby, vested in the Town Council of the Town of Grahams, and that they be, also, invested with all necessary power, by ordinance or ordinances, to suppress or regulate the sales of intoxicating drinks, to be drank at the place where sold, or in or upon any of its appurtenances, or in or upon any of the highways, streets, lanes, alleys, commons, kitchens, stores, shops, public buildings, booths, stalls or out houses of the said town, or within one-half

Grant 11-
censes.

A. D. 1871.

mile of the said town : Provided, That no rule or regulation shall be made, inconsistent with the Constitution and laws of the State.

SEC. 73. That this Act shall be taken and deemed as a public Act in all Courts of justice, and shall continue of force until repealed.

Village of Lancaster.

Lancaster.

SEC. 74. That Section first of an Act entitled "An Act to incorporate the village of Lancaster," be, and the same is hereby, amended so as to read as follows: "That the village of Lancaster, extending one mile in every direction from the Court House, be, and the same is hereby, incorporated, by the name of the village of Lancaster."

Town of Cokesbury.

Cokesbury.

SEC. 75. That from and after the passage of this Act, all citizens of this State, having resided sixty days in the Town of Cokesbury, shall be deemed, and are hereby declared to be, a body politic and corporate, and the said town shall be called and known by the name of Cokesbury, and its corporate limits shall extend one mile in each direction from the centre in said town.

Intendant and Wardens.

SEC. 76. That the said town shall be governed by an Intendant and six Wardens, who shall be citizens of the United States, and shall have been residents of the said town for sixty days immediately preceding their election, who shall be elected on the second Monday in April, 1870, and every year thereafter on the second Monday in January, ten days' public notice thereof being previously given; and that all male inhabitants of the age of twenty-one years, citizens of the State, and who shall have resided in the said town for sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Election of same.

SEC. 77. That the election for Intendant and Wardens of the said town shall be held in some convenient house, or some other convenient public place in the said town, from nine o'clock in the morning until five o'clock in the afternoon, and when the polls shall be closed, the Managers shall forthwith count the votes and proclaim the election, and give notice, in writing, to the persons elected. The Intendant and Wardens shall appoint three Managers to hold the ensuing and any subsequent election. Whenever there shall not be an Intendant and Wardens, or Intendant and Warden, from any cause whatever, it shall be the duty of the Clerk of the Court of Abbeville County to order such election forthwith, and appoint three Managers for the same. The Managers in each case shall, before they open the polls for said election, take an oath fairly and impartially to conduct the same; and that the Intendant and Wardens, before entering upon the duties of their respective offices, shall take the oath prescribed by the Constitution of this State, and, also, the following oath, to wit: "As Intendant, or Warden, of the Town of Cokesbury, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God." The said Intendant and Wardens shall hold their offices from the time of their election until the second Monday in January ensuing, and until their successors shall be elected and qualified.

Oath of office.

SEC. 78. That in case a vacancy should occur in the office of the Intendant, or any of the Wardens, by death, resignation, removal, or otherwise, or in case of a tie in said election, an election to fill such vacancy shall be held by the appointment of the Intendant and Wardens, (or Warden) as the case may be, or the Clerk of the Court of Abbeville County, if there should be no Intendant or Wardens, ten days' public notice thereof being previously given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act in his stead during the time.

A. D. 1871.
Vacancies—
how filled.

SEC. 79. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the jurisdiction and powers of Magistrates within the limits of said town, and the Intendant shall, and may, as often as he may deem necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Cokesbury, and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all the ordinances; and the said Town Council shall have authority to appoint, from time to time, as they see fit, such, and so many, proper persons, to act as Marshals or Constables of the said town, as the said Town Council may deem necessary and expedient, for the preservation of the peace, good order and police thereof, which persons so appointed shall, within the corporate limits of said town, have the powers, privileges and emoluments, and be subject to all the obligations, penalties and regulations provided by law, for the office of Constable, and shall be liable to be removed at the pleasure of said Council; and the said Town Council shall have power to establish, or to authorize the establishment of, the market house in said town. And the said Town Council shall have full power and authority, under their corporate seal, to make all such rules, by-laws and ordinances, respecting the streets, roads, market house, and the business thereof, and the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within the same; and the said Town Council may impose fines for offences against their by-laws and ordinances, and appropriate the same to the public use of said town; and the said Council shall have the same power which Magistrates now have to compel the attendance of witnesses, and require them to give evidence upon the trial before them of any person for a violation of any of these by-laws or ordinances; but no fine above the sum of twenty dollars shall be collected by the Town Council, except by suit in the Court of Common Pleas: And provided, also, That no fine shall exceed fifty dollars, and also that nothing herein contained shall authorize the said Council to make any by-laws or ordinances inconsistent with, or repugnant to, the laws of this State; and all the by-laws, rules and ordinances the said Council may make, shall, at all times, be subject to revisal or repeal by the General Assembly of this State.

Judicial power
of officers.

Marshals—
powers and
duties.

Fines limited.

SEC. 80. That the said Intendant and Wardens shall have full power to abate and remove nuisances in the said town; and it shall also be their duty to keep all roads, ways and streets within the corporate limits of the said town, open and in good repair, and for that purpose they are inves-

Abate and
remove
nuisances.

A. D. 1871.

ted with all the powers heretofore granted to Commissioners of Roads; and shall have full power to classify and arrange the inhabitants of said town, liable to street, road or other public duty therein, and to force the performance of such duty, under such penalties as are now, or shall hereafter be, prescribed by law: Provided, That the said Town Council may compound with persons liable to perform such duty, upon such terms, and on the payment of such sums, as may be established by laws or ordinances: And provided, also, That the individuals who compose the said Town Council shall be exempt from the performance of road and police duty, and the inhabitants of said town are hereby exempt from road and police duty without the corporate limits of said town.

Power to
grant licenses

SEC. 81. That the power to grant or refuse license for billiard tables, to keep tavern or retail spirituous liquors within the limits of the said corporation, be, and the same is hereby, vested in the Town Council of Cokesbury. And the said Council may grant licenses to retail spirituous liquors to such persons, and in such quantities, at such rates, and upon such terms and conditions, as the said Council may deem best and proper; and the said Intendant and Wardens shall have the full and only power to impose a tax on all shows or exhibitions, for gain or reward, within the limits; and all money paid for license for retailing spirituous liquors, keeping tavern and billiard tables, and the tax for all shows, for gain or reward, within said limits, shall be appropriated to the public use of said corporation.

Sidewalks.

SEC. 82. That the said Town Council of Cokesbury shall have full power and authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any of the public streets of said town, if, in the judgment of the Council, such sidewalks shall be necessary, the width thereof, and the manner of construction, to be designated and regulated by the Town Council; and, for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing: Provided, That such contracts for making or repairing be let to the lowest bidder.

May commit
to jail.

SEC. 83. That the said Town Council of Cokesbury shall have power to arrest and commit to jail, for a space of time not exceeding twelve hours, and to fine, not exceeding twenty dollars, any person or persons who shall be guilty of disorderly conduct in said town to the annoyance of citizens thereof; and it shall be the duty of the Marshal of the town to make such arrest, and call to his assistance the *posse comitatus*, if necessary; and, upon failure to perform such duty, he shall be fined in a sum not more than twenty dollars for each and every offence.

SEC. 84. That the said Town Council of Cokesbury shall have power to grant or refuse licenses to parties within the limits of said town; and the parties to whom such licenses are granted shall be subject to such regulations as may, by ordinance, be established. They shall, also, have power to impose and collect an annual tax upon the assessed property of said town: Provided, No tax shall be imposed, in any one year, to exceed the rate of ten cents on each hundred dollars of such assessed property; and that the money so raised shall be applied to the use of said town. The said Town Council shall have power to enforce the payment of all taxes levied by the said Town Council, to the same extent,

and in the same manner as is now, or hereafter, shall be, provided by law for the collection of the general State taxes.

SEC. 85. That the said Town Council of Cokesbury shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, Nothing herein contained shall extend to sales by Sheriff, Clerk of the Court, Judge of Probate, Coroner, Executor or Administrator, Assignee in Bankruptcy, or by any other person, out of the order, decree of any Court, Justice of the Peace, or Magistrate.

SEC. 86. That this Act shall be deemed a public Act, and shall continue of force for twenty years, and till the end of the session of the General Assembly of said State then next following; and all Acts of incorporations or amendments thereof, repugnant thereto, are hereby repealed.

Town of Orangeburg.

SEC. 87. That an Act entitled "An Act to incorporate the town of Orangeburg," approved on the seventeenth day of December A. D. 1836, be, and the same is hereby, altered and amended as follows: That from and after the passage of this Act, all and every person or persons, who shall have resided within the corporate limits of the town of Orangeburg for sixty days are hereby declared to be members of the corporation hereby to be created.

SEC. 88. That the said persons shall, from the passing of this Act, become a body politic and corporate, and shall be known and called by the name of the "Town of Orangeburg," and its corporate limits shall extend one mile in every direction from the Court House as a centre, except on the side next to North Edisto River, which river shall constitute the boundary in that direction.

SEC. 89. That the said town shall be governed by a Mayor and four Aldermen, who shall have resided in the State for one year, and within the limits of the corporation for sixty days immediately preceding their election. The said Mayor and Aldermen shall be elected on the second Tuesday in September, ten days' notice being previously given, and shall continue in office for two years, and until the election and qualification of their successors; and all male inhabitants of said town, who shall have attained the age of twenty-one years, and resided therein sixty days immediately preceding their election, shall be entitled to vote for said Mayor and Aldermen.

SEC. 90. That said election shall be held in some convenient public place in said town from eight o'clock in the morning until five o'clock in the evening; and when the polls shall be closed, the Managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Mayor and Aldermen for the time being shall always appoint the Managers to conduct the election, who, before they open the poll for said election, shall take an oath fairly and impartially to conduct the same. And the Mayor and Aldermen, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Mayor (or Alderman) of the town of Orangeburg, I will equally and impartially, to the best of my ability, exercise the trust re-

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Sales at auction.

Orangeburg.

Limits of town.

Mayor and Aldermen.

When and how elected.

Where election to be held

Oath of office.

A. D. 1871.

posed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been elected: So help me God."

Vacancies—
how filled.

SEC. 91. That in case a vacancy should occur in the office of Mayor or any of the Aldermen, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of the Mayor and Alderman, or Aldermen, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Mayor, the Aldermen, forming a Council, shall be empowered to elect one of their number to act as Mayor during the time.

Judicial pow-
ers of officers.

SEC. 92. That the Mayor and Aldermen duly elected and qualified shall, during their term of service, severally and respectively, be vested with all powers of Magistrates in this State within the limits of said town. And the Mayor shall and may, as often as may be necessary, summon the Aldermen to meet in Council, any two of whom, with the Mayor, or any three Aldermen, may constitute a quorum to transact business, and they shall be known by the name of the Town Council of Orangeburg, and they and their successors hereafter to be elected may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alien and convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the Mayor and Aldermen shall have full power to make and establish all such rules, by-laws and ordinances, respecting the roads, streets, market and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of the said town, or for preserving health, peace, order and good government within the same; and the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of the said corporation: Provided, That no fine shall exceed fifty dollars for any one offence.

Grant 11-
censes.

SEC. 93. That the Mayor and Aldermen of said town shall have full and only power to grant or refuse licenses to any person, firm, company or corporation engaged in, or intending to be engaged in any trade, business, or profession whatsoever, within the corporate limits of said town, upon such conditions and under such circumstances as to them shall seem proper and right: Provided, That in no instance shall the price of a license to keep a tavern, or to retail spirituous liquors, be fixed at a less sum than is established by the laws of this State; and all moneys paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping taverns and billiard tables, within the said limits without licenses, shall be appropriated to the public uses of said town: Provided, That the Mayor and Aldermen, duly elected and qualified, shall not have power to grant any license to keep taverns, or retail spirituous liquors, to extend beyond the term for which they have been elected

Proviso.

Streets, roads
and ways.

SEC. 94. That it shall be the duty of the said Mayor and Aldermen to keep all roads, streets and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers and duties of Surveyors of highways and Selectmen of towns. They shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they shall by ordinance

establish; the moneys so received to be applied to the public use of said town, and all persons refusing or failing to pay such commutation shall be liable to such fine, not exceeding twenty dollars, as the Town Council may impose.

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SEC. 95. They shall also have power to impose an annual tax not exceeding fifty cents on every hundred dollars of the assessed value of all real and personal estate lying within the corporate limits of said town, (the real and personal estate of churches and school associations excepted.) The said Council shall have the power to regulate the price of license upon all public shows and exhibitions in said town, to erect a powder magazine, and compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rates of storage thereof, and for keeping and delivering the same. The said Council shall have power to enforce the payment of all taxes levied under the authority of this Act, against the property and persons of defaulters, to the same extent and in the same manner as is provided by law for the collection of the general State tax, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal, or other person especially appointed by the Town Council, to collect the same; and all property upon which a tax shall be levied is hereby declared and made liable for the payment thereof in preference to all other debts against the said property, except debts due the State, which shall first be paid.

Annual taxation.

Powder magazine.

Collection of taxes.

SEC. 96. That the said Town Council shall have power and authority to require all persons owning a lot or lots, in said town, to make and keep in good repair sidewalks in front of said lot or lots, whenever the same shall front or adjoin any public street of said town, if, in the judgment of the Council, such sidewalk shall be necessary, the width thereof, and the manner of their construction, to be designated and regulated by the said Council, and for default or refusal, after reasonable notice, to make and keep in repair such sidewalks, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing. And the said Town Council are hereby empowered to sue for and recover the same by action of debt in any Court of competent jurisdiction: Provided, That such contract for making or repairing be let to the lowest bidder.

Sidewalks.

SEC. 97. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said Town as they may deem necessary, by sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of the said town; and they shall have power to lay out, adopt, open and keep in repair all such new streets, roads and ways as they may, from time to time, deem necessary for the improvement and convenience of said town: Provided, That no new street, road or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

Close up or open streets.

SEC. 98. The said Town Council shall have power, and are hereby authorized, to elect one or more Marshals, (in addition to the Sheriff of the County of Orangeburg, who shall also be a Marshal of the town,) to fix their salaries and prescribe their duties, who shall be sworn in and invested with all the powers, and subjected to all the duties and liabilities,

May appoint Marshals.

Duties of latter.

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that Constables now have, or are subject to by law, in addition to the duties and liabilities specially conferred and imposed on them by the Town Council: Provided, That their jurisdiction shall be confined within the limits of said town.

Guard house.

Who may be committed to.

SEC. 99 That the Town Council shall have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same; and, until such guard house shall be established, they shall be authorized to use a room in the common jail of the County of Orangeburg, for the confinement of all who may be subject to be committed for violation of any ordinance of the town passed in conformity to the provisions of this Act; and the said Town Council may, by ordinance, or the said Mayor and Aldermen, in person, any one or more of them, authorize and require any Marshal of the town, or any Constable specially appointed for that purpose, to arrest and commit to the said guard house, or jail of Orangeburg County, as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town, or any of them; and it shall be the duty of the Town Marshal to arrest and commit all such offenders, when required so to do, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon the failure of said Marshals to perform such duty as is required, they shall, severally, be subject to such fines and penalties as the Town Council may establish. And all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided by this Act for the collection of fines imposed for the violation of ordinances: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose, or, in lieu of failure to pay the fine imposed, to be imprisoned for a term not more than twenty days for the offence for which he may have been committed.

Shows and exhibitions.

SEC. 100. The said Town Council shall have power to collect the taxes from all the persons representing, publicly, within the corporate limits, for gain or reward, any plays or shows of what nature or kind whatever, to be used for the purposes of said town.

Abate nuisances.

SEC. 101. The said Town Council shall have full power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the powers and duties, and to impose fines and penalties upon the members of said Board, for neglect of duty or refusal to serve: Provided, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

Fire department.

SEC. 102. The said Town Council shall have full power and authority over the Fire Department of the Town of Orangeburg—define the duties, regulations and government of same.

Turn over books on expiration of term of service.

SEC. 103. The Mayor and Aldermen elect shall, during their term of office, be exempt from street duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their term; and shall pay over all moneys in their possession be-

longing to the corporation, and deliver up all' books, records, and other papers incident to their office, to their successors ; and on failure so to do, they shall be liable to be fined in a sum not exceeding five hundred dollars, to be collected by any proper action by the Town Council.

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SEC. 104. For any wilful violation or neglect of duty, malpractice, abuse or oppression, the said Mayor and Aldermen, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment as prescribed in the preceding Section, besides being liable for damages to any person or persons injured.

Neglect of
duty—penalty.

SEC. 105. That all ordinances heretofore passed by the Town Council of Orangeburg, in conformity with the authority granted by existing laws, shall be, and they are hereby, declared legal and valid.

SEC. 106. All Acts and parts of Acts, heretofore passed in relation to the incorporation of the town of Orangeburg, be, and the same are hereby, repealed.

SEC. 107. This Act shall be deemed a public Act, and continue in force for the term of fifteen years, and until the end of the session of the Legislature then next ensuing:

Town of Branchville.

SEC. 108. That from and after the passage of this Act, all citizens of this State, having resided twelve months within the State, and sixty days in the Town of Branchville, shall be deemed, and are hereby declared to be, a body politic and corporate, and the said town shall be called and known by the name of Branchville, and its corporate limits shall extend one mile in each direction from the Hotel between the two Railroads in said town.

Branchville.

Limits of
town.

SEC. 109. That the said town shall be governed by an Intendant and four Wardens, who shall be citizens of the United States, and who shall have resided in this State twelve months, and shall have been residents of the said town sixty days immediately preceding their election, and who shall be elected on the first Monday in February of each year, five days' public notice thereof being previously given, and that all male inhabitants of the age of twenty-one years, citizens of the State, and who shall have resided within the State twelve months, and in the said town sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens, paupers and persons under disabilities for crime excepted.

Intendant
and Wardens.

SEC. 110. The said election to be held at some convenient public place in said town, from eight o'clock A. M., until five o'clock P. M., and when the polls shall be closed, the Managers shall forthwith count the votes, and declare the election, and give notice thereof, in writing, to the Intendant therein being, who shall, within two days thereafter, give notice, or cause the same to be given, to the persons duly elected. The Intendant and Wardens, before entering upon the duties of their offices, shall respectively take the oath prescribed by the Constitution of the State, and, also, the following oath, to wit: "As Intendant (or Warden) of the Town of Branchville, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been elected: So help me God." And, if any per-

Election—
when, where
and how to be
held.

Oath of office.

A. D. 1871.

Proviso.

son, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to the Council the sum of ten dollars, for the use of the said town: Provided, That no person who has attained the age of sixty years shall be compelled to serve in either of said offices, nor shall any person be compelled to serve, either as Intendant or Warden, more than one year in any term of three years. The Intendant and Wardens, for the time being, shall always appoint one or more Boards of Managers, three Managers for each Board, to conduct the election, who, before they open the polls, shall take an oath fairly and impartially to conduct the same.

Vacancies—
how filled.

SEC. 111. That in case a vacancy shall occur in the office of Intendant, or of any of the Wardens, by death, resignation, removal or otherwise, an election to fill such vacancy shall be held by order of the Intendant and Wardens, or a majority of the same, five days' public notice being previously given, and, in case of sickness or temporary absence of the Intendant, the Wardens forming the Council shall be empowered to elect one of the number to act as Intendant during the time.

Judicial
powers of off-
icers.

SEC. 112. That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers heretofore granted to Magistrates in this State within the limits of the said town, except for the trial of small and mean causes; and the Intendant shall or may, as often as is necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, or any three of the Wardens, may constitute a quorum to transact business; and they shall be known as the Town Council of Branchville, and they and their successors in office, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, plead and be impleaded, in any Court of justice in this State, and purchase, hold, possess and enjoy, to them and their successors, in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars; and the said Town Council shall have authority to appoint, from time to time, as they may see fit, such and so many proper persons to act as Marshals or Constables of said town as the said Council may deem necessary and expedient for the preservation of the peace, good order and police thereof, which persons so appointed shall, within the corporate limits of said town, have the power and privileges, and be subject to all the obligations, penalties and regulations provided by the law for the office of Constable, and shall be liable to be removed at the pleasure of said Council; and the said Town Council shall have power to establish, or authorize the establishment of, a market house in said town; and the Town Council, or the said Intendant and Wardens, in person, any one or more of them, may authorize and require any Marshal of the town, or Constable specially appointed for that purpose, to arrest and commit to the guard house, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or any conduct grossly indecent or dangerous to the citizens of said town, or any of them; and it shall be the duty of the Town Marshals or Constables to arrest and commit all such offenders, when required so to do, and who shall have power to call to their assistance the *posse comitatus*, if

Marshals and
Constables—
their duties,
&c.

need be, to aid in making such arrests; and upon the failure of said officers to perform such duty as required, they shall, severally, be subject to such fines and penalties as the Town Council may impose upon them; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as is provided for the collection of fines imposed for the violation of ordinances, rules and regulations: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he, she or they may have been committed. And the said Town Council may have full power and authority, under their corporate seal, to make all such rules, regulations, by-laws and ordinances respecting the streets, roads, and the business thereof, as well as the police system of the said town, as shall appear to them necessary and proper for the security, welfare and convenience, and for preserving health, order and good government within said town; and the said Town Council may impose fines for offences against their by-laws, rules, regulations and ordinances, and appropriate the same for the public use of said town; and the said Town Council shall have the same power which has been heretofore granted to Magistrates in this State to compel the attendance of witnesses, and require them to give evidence, upon the trial before them of any person or persons for violation of any of their ordinances, by-laws, rules or regulations; but no fine above the sum of twenty-five dollars shall be collected by the Town Council, except by suit in the proper Courts of justice in this State; and that no fine shall exceed the amount of fifty (50) dollars; and, also, nothing herein contained shall authorize the said Council to make any ordinance or by-law inconsistent or repugnant to the laws of this State.

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Proviso.

Fines may be imposed.

How the same are collected.

Roads, ways and streets.

Persons liable to work—how exempted.

New streets.

Proviso.

SEC. 113. That the said Intendant or Wardens, or a majority of them, shall have power to abate and remove all nuisances in said town; and it shall be their duty to keep all roads, ways, bridges and streets, within the corporate limits of the said town, open and in good repair, and, for that purpose, they are vested with all the powers of County Commissioners, or Commissioners of Roads, for and within the corporate limits of said town, and they may lay out new streets, close up, widen or otherwise alter those now in use, and shall have full power to classify and arrange the inhabitants or citizens of said town, liable to street, road or other public duties therein, and to force the performance of such duty, under such penalties as are now, or shall hereafter be prescribed by law, and they shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as their ordinances or by-laws may establish, or their rules and regulations require, the moneys so received to be applied to the public use of said town, and all persons refusing to labor, or failing to pay such commutation, shall be liable to such fine, not exceeding twenty dollars for any one year, as the said Town Council may impose. And they shall have power to enforce the payment of such fines in the same manner as is now or may be hereafter provided for the collection of County taxes; and the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said town as they may deem necessary, and they may keep in repair all such new streets, roads and ways as they may, from time to time, deem necessary for the improvement and convenience of said town: Provided, That no street, road or way shall be

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opened, without first having obtained the consent of the land owner, or owners thereof, through whose premises any such new street, road or way may pass.

Sidewalks.

SEC. 114. The said Town Council shall have power and authority to require all persons owning a lot or lots in said town to close in, and to make and keep in good repair, sidewalks in front of said lot or lots, whenever the same shall front or adjoin any public street of said town, if, in the judgment of said Council, such sidewalks shall be necessary; the width thereof, and the manner of construction, shall be designated and regulated by said Town Council; and for default or refusal, after reasonable notice, to make and keep in good repair such sidewalks, and to close in such lot or lots, the Town Council may cause the same to be made or put in repair, and require the owner to pay the price of making or repairing; and the said Town Council are hereby empowered to sue for and recover the same, by action of debt, in any Court of competent jurisdiction: Provided, That such contract for making or repairing is let to the lowest bidder.

Grant licenses.

SEC. 115. The Intendant and Wardens of said town, or a majority of them, shall have full power to grant or refuse licenses to keep taverns or retail spirituous liquors in the corporate limits of said town, upon such conditions and under such circumstances as to them shall seem proper and right: Provided, That in no instance shall the price of a license to keep a tavern, or to retail spirituous liquors, be less than the amount established by the State, and all moneys paid for licenses and for fines and forfeitures, shall be appropriated for the public use of said town: Provided, That the Intendant and Wardens duly elected shall not have power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they have been elected. They shall have power to regulate sales at auction within the corporate limits of the town, and to grant licenses to auctioneers, itinerant traders, to keepers of hotels, livery stables, billiard tables, ten pin alleys, or other kinds of games of hazard, skill, or chance. They shall have the full and only power to impose a tax on all shows and exhibitions for gain or reward within the corporate limits of said town.

Sales at auction, &c.

Turn over books, &c., on expiration of term of service.

SEC. 116. The Intendant and Wardens elect, together with Clerk and Treasurer, shall, during their term of office, be exempt from street and police duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors in office, a full account of their receipts and expenditures during their term, which account shall be published in one or more public places of said town, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and other papers incident to their office, to their successors, and on failure to do so, they shall be liable to be fined in a sum not exceeding five hundred dollars, to be collected by any proper action of the Town Council.

SEC. 117. That all ordinances heretofore passed by the Town Council of Branchville, in conformity with the authority granted by existing laws, shall be, and they are hereby, declared legal and valid.

SEC. 118. All Acts and parts of Acts heretofore passed in relation to the incorporation of the Town of Branchville be, and they are hereby, repealed.

Town of Reidville.

A. D. 1871.

Reidville.

SEC. 119. That the charter of the town of Reidville, in the County of Spartanburg, be, and the same is hereby, renewed and extended for the term of fourteen years, with the same power that is conferred by this Act on the town of Grahams.

SEC. 120. This Act shall be deemed a public Act, and continue in force for the term of fifteen years, and until the end of the session of the Legislature thereafter.

Approved March 9, 1871.

AN ACT TO CONFER THE RIGHTS OF LEGITIMACY ON CERTAIN CHILDREN. No. 383.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the children begotten of the body of Anna Smith, late of the County of Oconee, called by the names of Jacob Ferrel Smith, Sarah Malissa Smith, Artamissa J. Smith and Joseph Henry Smith, be, and they are hereby, invested with all the rights and privileges of legitimate children, in the same manner, and to the same extent, as if they had been born in lawful wedlock.

J. F. Smith
and others.

Approved March 9, 1871.

AN ACT TO INCORPORATE THE LEBANON PRESBYTERIAN CHURCH, OF FAIRFIELD COUNTY. No. 384.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Lebanon Presbyterian Church, of Fairfield, in this State, is hereby incorporated, with all the rights and privileges awarded to religious denominations in this State.

SEC. 2. That the said the Lebanon Presbyterian Church, of Fairfield, may acquire lands within this State for religious and educational purposes, and regulate and govern the same as they may deem proper, in accordance with their laws and discipline, such laws not being inconsistent with the laws of this State.

Corporate
powers.

SEC. 3. This Act shall be deemed a public Act, and shall continue in force for the term of twenty five years.

Approved March 9, 1871.

AN ACT TO INCORPORATE THE WINYAH GUARDS, OF GEORGETOWN, SOUTH CAROLINA. No. 385.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

A. D. 1871.

Corporate
rights.

and by the authority of the same, That J. Harvey Jones, George Pawley and Brass Richardson, under the name and style of the Winyah Guards, they, and their successors and associates in office, be, and they are hereby, incorporated, and made and declared a body politic and corporate, in deed and in law, and, as such body politic, shall have the power to use and keep a common seal, and the same at will to alter, to make all necessary by-laws not repugnant to the laws of the land, and to have succession of officers and members, conformable to such by-laws, to sue and be sued, plead and be impleaded, in any Court of competent jurisdiction in this State, and to have, use and enjoy all other rights, and be subject to all other liabilities incident to bodies corporate.

SEC. 2. This Act shall be deemed and taken to be a public Act, and shall continue in force for the space of fifteen years from and after its passage.

Approved March 9, 1871.

No. 386. AN ACT TO PERMIT BURNS D. MYERS TO ADOPT AND MAKE HIS LAWFUL HEIRS, H. MARGARET GRIMES AND W. BURNS GRIMES, AND TO CHANGE THE NAME OF THE SAID H. MARGARET GRIMES TO H. MARGARET MYERS, AND THE NAME OF W. BURNS GRIMES TO W. BURNS MYERS

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Burns D. Myers is hereby authorized and empowered to adopt and make his lawful heirs, H. Margaret Grimes and W. Burns Grimes, and that the name of the said H. Margaret Grimes shall be changed to H. Margaret Myers, and the name of the said W. Burns Grimes shall be changed to W. Burns Myers.

SEC. 2. That should the said Burns D. Myers die intestate, the said H. Margaret Myers and the said W. Burns Myers shall inherit, in common with the other lawful heirs of the said Burns D. Myers, his estate, both personal and real.

Approved March 9, 1871.

No. 387. AN ACT DECLARING A TRACT OF ONE HUNDRED ACRES OF LAND, IN THE COUNTY OF FAIRFIELD, AS ESCHEATED TO THE STATE, AND TO VEST THE TITLE TO THE SAME IN THE TRUSTEES OF RIDGEWAY ACADEMY.

Preamble.

Whereas, one Mrs. Murdoc, widow, died a number of years since, leaving as her estate one hundred acres of land in the County of Fairfield, bounded by lands of William Dunlap, Samuel McQuarters and others; and, whereas, she left no heirs or representatives; therefore,

Declared es-
cheated.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the said tract of one hun-

dred acres of land be, and the same is hereby, declared to have escheated to the State.

A. D. 1871.

SEC. 2. That the title of the State to said one hundred acres of land be, and the same is hereby, vested in S. M. Smart, Moses James and Wyatt Boulware, and their successors in office, as Trustees of the Ridge-way Academy, in the said County of Fairfield.

Whom title
vested in.

SEC. 3. That they are hereby authorized to sell the same, and apply the money for the purpose of building a school at or near the above mentioned place.

Application
of proceeds.

Approved March 9, 1871.

AN ACT TO EXTEND THE LIMITS OF THE TOWN OF CAMDEN.

No. 388.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the limits of the town of Camden be, and the same are hereby, extended as follows, to wit: The western boundary shall commence at the point at which Wylie street intersects with Pine Tree Creek, and shall extend northward along the line of said Wylie street three-fourths of a mile beyond the present terminus of the said street, and from this point the northern boundary shall extend, in an eastern direction, until it intersects Horse Branch, and thence, by course of said stream, to the point where it empties into Little Pine Tree Creek, and by the course of said Creek, in a southern direction, to the confluence of said Creek into Pine Tree Creek, and thence, by the course of the last named Creek, to the point where Wylie street now intersects the said Creek.

New limits.

SEC. 2. That the Intendant and Wardens of the town of Camden are hereby required to proceed, immediately upon the passage of this Act, to designate, by proper marks and monuments, the boundaries hereinbefore authorized.

SEC. 3. That all Acts or parts of Acts, inconsistent with the provisions of this Act, be, and the same are hereby, repealed.

Approved March 9, 1871.

AN ACT TO REGULATE THE DISPOSITION OF FINES AND PENALTIES IMPOSED AND COLLECTED IN CRIMINAL CAUSES BY THE CIRCUIT COURT OF GENERAL SESSIONS AND TRIAL JUSTICES.

No. 389.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all fines and penalties imposed and collected by the Circuit Court of General Sessions in criminal causes, shall be forthwith turned over by the Clerk of said Court to the County Treasurer of the County wherein the same are imposed; and all fines and penalties imposed and collected by Trial Justices, in criminal causes, shall be forthwith turned over by them to the County Treasurers of their respective Counties, for County purposes: Provided, That when,

Fines and
penalties by
Court to be
paid over to
County Treas-
urer.

A. D. 1871.

When accounts of officers of Courts may be paid.

by law, any person or persons entitled, as informer or informers, to any portion of the fine or penalty imposed and collected, the same shall be immediately paid over to him or them.

SEC. 2. No account of the Circuit Solicitor, the Clerk of the Circuit Court of General Sessions, the County Sheriff, or Trial Justices, for fees, in any criminal cause, heard or prosecuted in the Circuit Court, or before a Trial Justice, shall be paid, unless they severally shall declare, on oath, that the costs in the said cause have not been recovered of the defendant, and that he, the defendant, was unable to pay the same; and, further, that all fines and penalties heretofore collected by them have been faithfully and fully paid over to the County Treasurer of the County.

Clerk of Court or Trial Justice failing to pay over fines—how punished

SEC. 3. If any Clerk of the Circuit Court of General Sessions, County Sheriff, or Trial Justice, shall neglect or refuse to immediately pay over, as required by the first Section of this Act, any and all fines and penalties collected by them in any criminal cause or proceeding, he shall, on conviction thereof, be subject to a fine of not less than one hundred, nor more than one thousand dollars, and imprisonment not less than three, nor more than six months, and shall be dismissed from office, and disqualified from holding any office of trust and profit under the State of South Carolina.

Approved March 9, 1871.

No. 390. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE AGENCIES OF INSURANCE COMPANIES, NOT INCORPORATED IN THE STATE OF SOUTH CAROLINA."

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 6 of an Act entitled "An Act to regulate the agencies of insurance companies, not incorporated in the State of South Carolina," be amended so as to read as follows: "That for every license issued by the Comptroller-General under this Act, the Company or Agent taking out such license shall pay, or cause to be paid, into the Treasury of the State the sum of five dollars, the same to be appropriated for the use and benefit of the State."

shall pay \$5 into the State Treasury.

Approved March 9, 1871.

No. 391. AN ACT TO INCORPORATE HEALING SPRINGS BAPTIST CHURCH, IN BARNWELL COUNTY, SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the members of the said Society be, and they are hereby, incorporated, and are hereby declared to be a body corporate, by the name and style of the Healing Springs Baptist Church, and by that name and style shall have succession of officers and members, and shall have a common seal.

Name of corporation.

SEC. 2. That the said corporation shall have power to purchase, re-

ceive and hold any real or personal estate not exceeding in value the sum of twenty thousand dollars, and to sell, convey and dispose of the same; and, by its corporate name, to sue and be sued in any Court of this State, and to make such rules and by-laws, not repugnant to law, as it may consider necessary and expedient.

SEC. 3. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the term of twenty-five years.

Approved March 9, 1871.

A. D. 1871.

Corporate rights.

AN ACT TO INCORPORATE THE CAPITAL BUILDING AND LOAN ASSOCIATION, OF COLUMBIA. No. 392.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John Agnew, M. J. Calnan, James A. Dunbar, W. B. Nash, W. Simons, S. B. Thompson, John McCord, R. Tomlinson, C. C. Puffer, W. F. Hague, Timothy Hurley, together with other persons who now are, or hereafter may be, associated with them, be, and they are hereby, declared a body politic and corporate, for the purpose of making loans of money, secured by mortgage on real estate or personal property, or by conveyance of the same, to their members and stockholders, by the name and style of the "Capital Building and Loan Association, of Columbia," the capital stock of which shall consist of one thousand shares, to be paid in by successive monthly installments of one dollar on each share, so long as the corporation shall continue, the said shares to be held, transferred, assigned and pledged, and the holders thereof to be subject to such fines and forfeitures for defaults in their payments, according to such regulations as may be prescribed by the by-laws of said corporation.

Corporators.

Capital stock.

SEC. 2. That the said corporation shall have power and authority to make any such rules and by-laws for its government as are not repugnant to the Constitution and laws of the land; shall have such number and succession of members and officers as shall be ordained and chosen according to their said rules and by-laws, made or to be made by them; shall have and keep a common seal, and may alter the same at will; may sue and be sued, plead and be impleaded, in any Court of Law or Equity in this State; and shall have and enjoy all and every right and privilege incident and belonging to corporate bodies, according to the laws of the land.

Corporate rights.

SEC. 3. That the said corporation shall have power to take, purchase, and hold real estate, and to sell and transfer the same from time to time to its members, on such terms, and under such conditions, and subject to such regulations as may be prescribed by the rules and by-laws of said corporation: Provided, That the real estate held by said corporation shall not at any time exceed the value of two hundred thousand dollars.

May hold or dispose of property.

Capital.

SEC. 4. That the funds of said corporation shall be loaned and advanced to the members and stockholders, upon the security of real and personal estate; and used in the purchase of real estate for the benefit of its members and stockholders, on such terms, and under such conditions, and subject to such regulations as may, from time to time, be prescribed

Funds may be loaned.

A. D. 1871.

by the rules and by-laws of said corporation; and it shall be lawful for the said corporation to hold such lands, tenements, hereditaments and personal property as shall be mortgaged or conveyed to them, in good faith, by way of security, upon its loans and advances; and may sell, alien or otherwise dispose of the same, to its members and stockholders only, as they, from time to time, may deem expedient.

Disposition of funds when they remain unproductive

SEC. 5. That whenever it shall occur that the funds of the said corporation shall remain unproductive and uncalled for, for the space of two months, the corporation shall have power to loan whatever amount may be thus on hand, to others than stockholders and members, for such time and at such rates of interest as may be established by virtue of such rules and by-laws as may be made by said corporation.

Division of funds.

SEC. 6. That whenever the funds of said corporation shall have accumulated to such an amount that, upon a fair and just division thereof, each stockholder and member shall have received, or be entitled to receive, the sum of two hundred dollars, or property of that value, for each and every share of stock by him or her so held, and such distribution and division of the funds shall have been so made, then this corporation shall cease and determine. This Act shall be deemed a public Act, and that the same may be given in evidence without specially pleading the same: Provided, That said corporation shall have all the rights, and be subject to all the liabilities provided in the Act to regulate the formation of corporations, passed December 10, 1870.

Approved March 9, 1871.

No 393. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ALTER AND AMEND THE CHARTER OF THE CITY OF GREENVILLE, AND FOR OTHER PURPOSES," APPROVED MARCH 23, 1869.

Who to work on streets.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passage of this Act, it shall be lawful for the Mayor and Aldermen of the city of Greenville to require each male inhabitant of said city, between the ages of eighteen and fifty, to labor upon the public streets of said city: Provided, nevertheless, That no person shall be required to perform more than four days' labor on said streets in any one year.

Amount of commutation for public labor.

SEC. 2. That it shall be lawful for said Mayor and Aldermen to fix some certain sum, not to exceed the sum of two dollars per annum, which may be paid in money, within a certain time, to be limited by the said Mayor and Aldermen, by any person liable to labor on said streets, in commutation of such labor, and to enforce the payment of the same in the manner now provided by law for the collection of taxes.

City officers may commit to jail—when and whom.

SEC. 3. That the said Mayor and Aldermen, or any three of them, shall have power to commit to jail, for a space of time not exceeding twenty days, and to fine not exceeding fifty dollars, any person or persons who shall be guilty of riotous or disorderly conduct in said city; and it shall be the duty of the Marshals of the said city to arrest all such per-

sons, and to bring them before the said Mayor and Aldermen, or any three of them, to be dealt with according to the ordinances of said city.

SEC. 4. The said Mayor and Aldermen of the said city shall have power to open new streets, and to widen, straighten or alter the streets now in use, upon payment of damages to the owners of property affected thereby; the damages to be assessed by five freeholders of said city, two to be selected by the City Council and two by the owner or owners of the property, and the fifth by the persons so selected.

Approved March 9, 1871.

A. D. 1871.

May make
new streets.

Shall indemnify owners
of property
affected.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REVISE, SIMPLIFY AND ABRIDGE THE RULES, PRACTICE, PLEADINGS AND FORMS OF THE COURTS IN THIS STATE."

No. 394.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the first subdivision of Section 25 of the Act entitled "An Act to revise, simplify and abridge the Rules, Practice, Pleadings and Forms of the Courts in this State," approved March 1, A. D. 1870, be amended so as to read as follows:

The Court of General Sessions at Greenville, for the County of Greenville, on the first Monday of January, May and September; and the Court of Common Pleas at Greenville, for the County of Greenville, on the first Wednesday after the first Monday in January, May and September.

Time for
holding Court
in Greenville.

SEC. 2. The County of Marion is hereby transferred from the Fourth Circuit to the Third Circuit.

Marion
transferred.

SEC. 3. Section 20 of an Act entitled "An Act to revise, simplify and abridge the Rules, Practice, Pleadings and Forms of the Courts in this State," is hereby amended by the addition of the following subdivision: The Court of General Sessions at Marion, for the County of Marion, on the Third Monday after the fourth Monday of January, May and October; and the Court of Common Pleas at Marion, for the County of Marion, on the first Wednesday after the third Monday after the fourth Monday of January, May and October.

SEC. 4. Section 20 of the Act mentioned in the third Section of this Act is hereby amended by striking out the third subdivision thereof, and the fourth subdivision shall hereafter be the third subdivision, and the fifth shall hereafter be the fourth.

SEC. 5. That all processes, writs and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the Terms of the Courts of Common Pleas and General Sessions, as heretofore established and made returnable to said Courts, as heretofore established, shall be returnable and applicable to the Courts, as established by this Act.

Approved March 9, 1871.

A. D. 1871.

No. 395.

AN ACT TO EMPOWER, AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF ORANGEBURG COUNTY TO BUILD A BRIDGE ACROSS THE NORTH FORK OF EDISTO RIVER, AND ESTABLISHING A ROAD THEREFROM TO THE TOWN OF BRANCHVILLE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of Orangeburg County be, and are hereby, empowered and required to build (as early as practicable) a bridge across the North Fork of Edisto River, and to establish a road therefrom to the town of Branchville, in said County; and, if necessary for said purpose, they may and shall have the right to levy a special tax for the purpose aforesaid.

Approved March 9, 1871.

No. 396. **AN ACT TO INCORPORATE THE PLEASANT GROVE BAPTIST CHURCH, IN DARLINGTON COUNTY, SOUTH CAROLINA.**

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the members of the said society be, and are hereby, incorporated, and are hereby declared to be a body corporate, by the name and style of the Pleasant Grove Baptist Church, and by that name and style shall have succession of officers and members, and shall have a common seal.

Corporate
powers and
privileges.

SEC. 2. That the said corporation shall have power to purchase, receive and hold any real or personal estate not exceeding in value the sum of twenty thousand dollars, and to sell, convey and dispose of the same, and, by its corporate name, may sue and be sued in any Court of this State, and to make such rules and by-laws, not repugnant to law, as it may consider necessary and expedient.

SEC. 3. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the term of twenty-five years.

Approved March 9, 1871.

No. 397. **AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE BETTER PROTECTION OF MIGRATORY FISH."**

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act for the better protection of migratory fish" be amended as follows: That at no time during the year shall there be any permanent obstructions, of any kind or nature whatever, in any of the inland creeks, streams or waters of the State to the free migration of fish; and on and after the passage of this Act there shall be a close time in all the creeks, streams and inland waters of this State from the setting of the sun each Saturday until the rising of the sun on each Monday, during which time

Obstructions
in rivers.

all seines, nets, wires, or any plan or device for the stoppage or catching of fish which obstruct more than two-thirds of any stream, other than a dam for manufacturing purposes, shall be removed from said creeks, streams or waters, and the owner, in whole or in part, of any such obstruction, plan or device shall be liable to a fine of twenty dollars for each and every offence, one-half to go to the informer, and the other half to the use of the County in which such obstruction is found.

A. D. 1871.

SEC. 2. That all manufacturing companies or persons who have erected, or may erect, artificial dams across the inland creeks, streams or waters of this State, which prevent the migratory fish from ascending the same, shall, immediately after the passage of this Act, construct proper fishways over the same; and should such manufacturing companies or persons refuse or fail so to do, they shall be liable to a fine of five thousand dollars, recoverable by the County in which such dam has been or may be erected, in a Court of competent jurisdiction.

Fishways to be constructed.

SEC. 3. That should any person or persons cause to flow into, or be cast into, any of the creeks, streams or inland waters of this State any impurities that are poisonous to fish or destructive to their spawn, such person or persons shall, upon conviction thereof, be punishable with a fine of not less than five hundred dollars, or imprisonment of not less than six months in the County jail; the fine to go one-half to the informer, and the other half to the County: Provided, That the duties assigned by the Joint Resolution of January 19, 1870, to the Board of Fish Commissioners, be, and they are hereby, assigned and transferred to Commissioner of the Bureau of Agricultural Statistics.

Impurities.

SEC. 4. This Act to take effect on and after its passage.

Approved March 9, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ORGANIZE THE SUPREME COURT." No. 398.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 1 of an Act entitled "An Act to organize the Supreme Court," ratified on the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, be, and the same is hereby, amended so as to read "the third Tuesday of April," in the place of "the first Tuesday" of the same month.

Approved March 9, 1871.

AN ACT TO AMEND THE CHARTER OF THE GERMAN EVANGELICAL LUTHERAN CHURCH, OF CHARLESTON. No. 399.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter of the German Evangelical Lutheran Church, of Charleston, granted in 1841, and renewed by an Act of the General Assembly, ratified the nineteenth day of December,

May hold property amounting to \$180,000.

A. D. 1871.

A. D. eighteen hundred and fifty-five, is hereby extended and continued in force, and so amended as to authorize said corporation to hold property, real and personal, to the amount of one hundred and fifty thousand dollars.

Approved March 9, 1871.

No. 400. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO DEFINE THE JURISDICTION AND DUTIES OF THE COUNTY COMMISSIONERS."

County Commissioners—
how much
money they
may draw,
and when.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to define the jurisdiction and duties of the County Commissioners," passed the twenty-sixth day of September, A. D. 1868, be amended as follows: At the end of Section 10, Paragraph 1, add "and the County Commissioners shall not, in anticipation of the tax levied upon the County, draw upon the County Treasurer for more than three-fourths of the whole amount of said tax in any one year; nor shall any order be drawn upon the County Treasurer until after the monthly return of the Treasurer shall have been made to the County Commissioners of the amount of funds collected, nor unless he has the funds in the Treasury to pay the same. And the County Commissioners shall inform the County Treasurer of the orders drawn, in whose favor, the amount, and the order in which they are drawn. And should the County Commissioners, or any one of them, purchase, directly or indirectly, any order drawn upon the County Treasurer, for less than its face value, they shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the Court by any Court of competent jurisdiction."

Work to be
given out by
contract.

SEC. 2. At the end of Paragraph 4, Section 10, add "and all work given out by the County Commissioners, when the amount shall exceed the sum of one hundred dollars, shall be done by contract; and the Commissioners are hereby required to advertise the same, at least in one of the papers of the County, and also post the same in three conspicuous places in the County for thirty days, inviting proposals; said proposals shall, in all cases, be accompanied by two or more sufficient sureties; and the County Commissioners shall have the right to reject any or all bids, if, in their judgment, the interests of the County so require."

Amendment.

SEC. 3. Amend Section 3 of said Act so that it will read as follows: "That all the Board of County Commissioners shall be present for the transaction of business, and shall audit and sign all bills and checks. The checks shall in all cases be countersigned by the Clerk of the Board."

SEC. 4. Strike out "November," wherever it occurs in the Act, and insert "September."

Approved March 9, 1871.

AN ACT TO RECHARTER MAXWELL'S BRIDGE, OVER SENECA RIVER,
IN OCONEE COUNTY.

A. D. 1871.

No. 401.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the bridge known as Maxwell's Bridge, over Seneca River, in Oconee County, be, and the same is hereby, rechartered for the term of fourteen years, and the same vested in Mary L. Maxwell, Marion Maxwell and Annie Sloan, their heirs and assigns, with the same privileges and rates of toll as those heretofore allowed by law.

Vested in M.
L. Maxwell
and others.

Approved March 9, 1871.

AN ACT TO PROVIDE FOR THE REDEMPTION OF CERTAIN LANDS SOLD
UNDER ORDER OF GENERAL ED. R. S. CANBY, FOR TAXES.

No. 402.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all lands bought in by the Sheriff, for the State, sold under the provisions of an order of General Ed. R. S. Canby, dated Charleston, South Carolina, December 3, 1867, "to provide for the support of the Provisional Government of South Carolina for the year commencing the first day of October, 1867," &c., the same being done under General Orders, No. 139, be, and the same are hereby, entitled to be redeemed within a period of six months after the passage of this Act, upon the payment of the tax, interest and cost thereof, to the Sheriff of the County in which said lands were sold by virtue of said order.

Redemption
of lands sold
for taxes.

SEC. 2. All Acts or parts of Acts, inconsistent with this Act, are hereby, repealed.

Approved March 9, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT ESTABLISHING A
LINE BEYOND WHICH THE WHARVES SHALL NOT BE EXTENDED IN
THE CITY OF CHARLESTON, AND FOR OTHER PURPOSES," RATIFIED
THE 21ST DAY OF DECEMBER, A. D. 1836.

No. 403.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the line established by Section 1 of an Act entitled "An Act establishing a line beyond which the wharves shall not be extended in the City of Charleston, and for other purposes," ratified the 21st day of December, A. D. 1836, be extended to the blue line, lettered B, C, D, E, F, as marked and laid down on a plat of the wharves on the eastern boundary of the City of Charleston by Louis D. Barbot, City Engineer, dated the 6th day of January, A. D. 1871.

SEC. 2. That it shall be the duty of the City Council of Charleston to cause the aforesaid plat, with the line marked out by the City Engineer

A. D. 1871.

aforsaid, to be recorded in the office of the Secretary of State, and, also, in the office of the Register of Mesne Conveyance for Charleston County, within six months after the passage of this Act.

Approved March 9, 1871.

No. 404. AN ACT TO INCORPORATE THE WACCAMAW AND LITTLE RIVER CANAL COMPANY.

Corporators. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That J. S. Borroughs, W. E. Holcombe, George W. Price, Jr., Geo. T. Litchfield, T. C. Dunn and James E. Dusenbury, and such other persons as now are, or may become hereafter, associated with them, their successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the Waccamaw and Little River Canal Company, by which name they are hereby made capable in law to have, hold, purchase, receive, work, sell, mortgage, lease, enjoy and retain, to them, their successors and assigns, lands, tenements of all characters, and chattels of whatsoever kind, as may be deemed by them most conducive to the objects and interests of said corporation

Corporate rights. SEC. 2. That said corporation, by its title aforesaid, may sue and be sued, plead and be impleaded, in any Court of this State, make and use a common seal, altering the same at pleasure, establish, alter and amend such by-laws and regulations as shall be deemed proper by them, not in conflict with the Constitution or laws of this State, or the United States.

Capital stock. SEC. 3. The capital stock of said Company shall be two hundred thousand dollars, with the right to increase the same by a vote of a majority of the stockholders to any sum not exceeding five hundred thousand dollars; that said Company shall commence business as soon as its capital stock is fully subscribed, and fifty thousand dollars of the same paid up, which may be paid either in money or real estate, the same to be divided into such number of shares, and at so much per share, as said corporation may determine, said shares to be assignable and negotiable under such rules as said corporation may prescribe.

Annual meetings. SEC. 4. That there shall be annual meetings of the stockholders, at such time and place as they may designate, for the purpose of choosing a Board of Directors, to consist of not less than five, nor more than nine (9), each of whom shall be a stockholder, and a President, and other officers of said corporation, to manage its affairs.

Office of company. SEC. 5. That said Company shall keep an office at Little River, in Horry County, which, for all judicial purposes, shall be deemed its location.

Purpose of company. SEC. 6. That the said Company shall and may cause a communication of inland navigation, by a canal and locks, to be made and kept up, through such places as to them shall seem most fit and convenient, from Waccamaw to Little River, in Horry County; and that they and their successors forever shall and may fix and establish, and be entitled to take and receive, by way of toll, for all goods and merchandise carried on or

through, and boats, vessels and rafts passing on or through the said canal, such sums or rates as the said Company shall think proper to impose; and the said Company, or their agents, may stop any goods, vessels, boats or rafts, from passing on the said canal until payment of the toll.

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SEC. 7. That the said Company shall have power to purchase for themselves and their successors forever such lands as may be necessary for the purpose aforesaid; and where they and the owners of the said lands cannot agree for the same, to take the said lands at a valuation to be made by a majority of five persons to be appointed by the Court of Common Pleas to value the same; which land shall, on payment of the sum at which it shall be so valued, be vested in the said Company forever.

Lands by
them needed
—how obtain-
ed.

SEC. 8. That the said Company shall be obliged to keep the said canal and locks, at all times, in good and sufficient order, condition and repair, on pain of being answerable for any damage occasioned by their willful fault or neglect.

SEC. 9. That if any person shall, willfully or maliciously, cut, break down, damage or destroy any bank or other work to be erected, or made for the purpose of the said navigation, such person shall be adjudged guilty of felony, and, on conviction, shall pay a fine not exceeding five thousand, nor less than five hundred dollars, or imprisoned in the Penitentiary, not exceeding ten or less than two years; and if any person shall throw dirt, trees, logs, or other rubbish, into the said canal, so as to prejudice the same, such person shall be answerable to the said Company for the damages occasioned thereby.

Persons in-
juring canal,
&c.

Penalty.

SEC. 10 That the said Company shall have power and authority to use any materials in the vicinity of said canal for making the same, or the said locks, or keeping the same in repair, paying a reasonable price for the same, which price shall be ascertained in like manner as the value of land which the Company may take, as aforesaid, in case they and the owners of the said land cannot agree about the price thereof.

How compa-
ny to obtain
material
needed.

SEC. 11. That the said Company shall and may collect water for the use of said canal and locks, making satisfaction for the damages done thereby; the said damages to be ascertained in the manner above directed with respect to the value of land.

Water—how
obtained.

SEC. 12. That this Act shall be deemed and taken to be a public Act, judicially taken notice of as such, without special pleading, and liberally construed for carrying the purposes aforesaid into effect, for the term of thirty-five years, and to the sitting of the next General Assembly thereafter.

Approved March 9, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE CONVERSION OF STATE SECURITIES." No. 405.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to provide for the conversion of State securities," approved March 23, A. D. 1869, be

A. D. 1871.

amended as follows, to wit: The words "to be appropriated to his own use," in the third and fourth lines of Section 3d, to be changed so as to read "to be appropriated for the use and benefit of the State."

Approved March 9, 1871.

No. 406. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO DEFINE THE CRIMINAL JURISDICTION OF TRIAL JUSTICES," APPROVED MARCH 1, 1870.

Trial Justices may select persons or Constables.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Whenever a Trial Justice or Justice of the Peace shall issue a warrant for the arrest of any person charged with an offence above the grade of a misdemeanor, such Trial Justice or Justice of the Peace shall be authorized to select any citizen or citizens of the County to execute the same, upon his endorsement upon the said warrant that, in his judgment, the selection of such person or persons will be conducive to the certain and speedy execution of the said warrant; and the person or persons so selected shall have all the powers now, or hereafter, conferred by law upon any Constable within this State.

Neglect—penalty for.

SEC. 2. Any person or persons selected in the manner provided for in Section 1 of this Act shall be required forthwith to proceed to execute the said warrant, and upon his willfully, negligently or carelessly failing to make the arrest, or permitting the party to escape after arrest, he or they shall be punished, upon conviction, on indictment, by fine and imprisonment in the County jail, in the discretion of the Judge before whom the indictment may be tried; said imprisonment not to be less than six months.

Approved March 9, 1871.

No. 407. AN ACT TO PROVIDE FOR THE CONSTRUCTION AND REPAIR OF PUBLIC HIGHWAYS.

Highway Districts.

Surveyor for same.

Duty of such Surveyor.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That immediately after the passage of this Act, the County Commissioners of the several Counties shall divide their Counties into highway districts, each district to contain not less than ten miles of public highways, nor more than forty miles, to be convenient for repairing highways, and may, from time to time, alter the same; and they shall appoint for each highway district a Surveyor of Highways to superintend the expenditure of the highway tax and money appropriated for improvement of highways in his district, and to take charge of and keep in repair, at all times, the highways in his district. Said Surveyor of Highways shall be removable at pleasure; he shall be responsible to the County for any damages which may be sustained within his district, through fault or neglect in the discharge of his duty. Said Surveyor of Highways shall give bond to the County, with good and suf-

ficient sureties, to be approved by the County Commissioners, in double the amount of money to be expended in his district, for the faithful discharge of his duties.

A. D. 1871.

SEC. 2. That for the purpose of keeping in repair highways and bridges, the County Commissioners of each County shall, on or previous to the first day of January, assess a tax of eighteen cents, if so much be necessary, on every hundred dollars of the lists of the County, to be paid in money or labor at the option of the tax payer, and laid out in repairing highways and bridges; and they shall annually, on or before the said first day of January, make out a tax bill for each Surveyor of Highways, containing the amount of the tax to be laid out by him in his district, with the amount of each person's tax annexed to his name, accompanied with a warrant, signed by the Chairman of the Board, authorizing such Surveyor to collect such tax; and they shall deliver the several tax bills to the respective Surveyors, and take their receipt for the same.

County Commissioners may levy taxes.

SEC. 3. The Surveyors of the several highway districts, after receiving their several tax bills and warrants, shall proceed to give notice to the several persons liable to pay taxes in their districts of the amount of their taxes, and of the time and place in which, and the teams, carriages and tools with which they are required to pay their taxes in labor; but no person shall be liable to furnish any team, carriage or tool of which he is not the owner, except hoes, shovels or spades. Such notice may be given to all persons resident in the highway district, either personally or by written notice left at their usual residence; to non-residents by a written notice left with or at the residence of their tenants, agents, or persons having the care of their property; all of which notices shall be at least three days, and, in case of persons residing out of the highway district, at least ten days before the time appointed for them to commence their work; and if such non-residents shall have no tenant or agent in the town, notice may be posted up in some public or conspicuous place in the district; and the Surveyors shall make and keep a minute of the time and manner in which the notice shall be given.

Surveyor to control the payment of taxes in labor

SEC. 4. Any person, after he has commenced working in payment of his highway tax, shall be subject to the direction of the Surveyor, as to the times when, and the place where, his taxes shall be paid and laid out in labor.

SEC. 5. That at least three-quarters of the highway tax in any highway district, payable in labor, shall be collected and laid out between the 15th day of January and the 1st day of May, and the remainder between the first day of August and the first day of October, in each year, except as hereinafter provided.

SEC. 6. On any extraordinary occasion, when any bridge or highway shall be destroyed or impaired so as to require immediate repairs, or should be obstructed so as to require immediate labor to remove the obstruction, it shall be the duty of the Surveyor, forthwith, to cause the highway or bridge to be repaired, or the obstruction removed; and he may, for that purpose, call upon and notify any inhabitants of the district to afford him the necessary aid, or may hire other laborers, or employ other means to open or repair the highways and bridges; and, in such case, the notice shall be deemed sufficient to any person owing taxes, payable in the district, in order to make him liable for neglect to

Cases of emergency.

A. D. 1871.

pay his taxes in money, if such notice shall be given six hours previous to the time when he is required to appear and labor. If any person shall, in such case, perform labor more than sufficient to pay the taxes due from him, or, if a person not indebted for taxes shall perform labor, the amount of such labor, or the balance, may be accredited to such person towards his highway tax the succeeding year.

Surveyor
failing to re-
pair high-
ways, and
penalty.

SEC. 7. If, on any such occasion as specified in the preceding Section, any Surveyor shall, for the space of twelve hours after application made to him for that purpose by any citizen residing within his district, neglect to call upon the inhabitants of his district, or use the proper means to repair or open the highway or bridge which may be out of repair or obstructed, he shall forfeit and pay to the County Commissioners of the County, to be expended in repairing highways in such district, the sum of twenty-five dollars, to be collected in the name of the County, unless such Surveyor shall show sufficient reason for such neglect.

Persons re-
fusing to
work on high-
ways.

SEC. 8. If, in any such case, any inhabitant of the district whose name shall be on the tax bill of such district, whether any tax shall be due from him or not, shall, for the space of six hours after being called on or notified by the Surveyor for that purpose, without sufficient reason, neglect to turn out and assist in repairing or opening such highway or bridge, as he shall be required, he shall forfeit and pay to the County the sum of three dollars, to be collected and expended as provided in the preceding Section.

Penalty.

SEC. 9. If any person against whom a Surveyor shall have a tax bill, payable in labor, shall neglect, after being notified, as provided in this Act, to work out his tax, he shall be liable to pay his tax in money; and the Surveyor shall proceed to collect the same, and shall have all the power the County Treasurer has by law to collect State and County taxes; and he shall proceed in the same manner in the collection, and shall have the same fees.

SEC. 10. It shall be the duty of each Surveyor of Highways to lay out, in such manner as he may think beneficial in making and repairing highways in his district, all moneys collected by him in his tax bill, or receive in any other way for that purpose.

Surveyor to
keep account
and return
same to Coun-
ty Commis-
sioners.

SEC. 11. Each Surveyor shall keep full and regular accounts of all labor performed, and all moneys received and expended in his district, out of the labor that may have been performed by any persons over and above their taxes, and make return of his accounts to the County Commissioners, annually, in the month of November. And it shall be the duty of each Surveyor of Highways to pay over to the County Commissioners of the County any moneys which may remain in his hands unexpended; and any moneys which may be so received from the Surveyor shall be paid over by the County Commissioners to the succeeding Surveyor, to be expended in the same district. And when any persons shall have overpaid their taxes, in labor or otherwise, the balance shall be accredited to such persons on their taxes for the succeeding year. When any Surveyor of Highways shall resign or be removed from office, he shall also make such return to the County Commissioners as required in this Section, and turn over all moneys, books and papers pertaining to his office to the County Commissioners, or to his successor in office, as they may direct.

SEC. 12. If any Surveyor shall have failed to collect the taxes con-

tained in his tax bill, as required by law, or if he shall fail to pay over any moneys which he may have collected and not expended, the County Commissioners shall proceed against him upon his official bond.

A. D. 1871.

SEC. 13. If any person receive or suffer bodily injury, or damage in his property, through a defect or want of repair or sufficient railing in or upon a highway, causeway or bridge, he may recover, in an action, of the County by law obliged to repair the same, the amount of damage sustained thereby, if such County had reasonable notice of the defect, want of repair, or of insufficient railing, or if the same had existed for the space of twenty-four hours previous to the occurrence of the injury or damage; but no such damage shall be recovered by a person whose carriage and load thereon exceeds the weight of six tons.

Persons injured on account of deficiency of roads, &c.

SEC. 14. If, before the entry of an action provided for in the preceding Section, the County Commissioners tender to the plaintiff the amount which he would be entitled to recover, together with all legal costs, and the plaintiff does not accept the same, and does not recover upon his trial more than the sum so tendered, the defendant shall recover costs.

Damages—how recovered.

SEC. 15. If a County neglect to repair any of the highways or bridges which, by law, it is obliged to keep in repair, or neglect to make the same safe and convenient, such County shall be liable to indictment and fine, as the Court in its discretion may order. The fine imposed in such case shall be certified to the County Commissioners by the Clerk of the Court, and they shall proceed to collect the same from the Surveyor or Surveyors of the highway district or districts charged by this Act with the duty of superintending and keeping said highway or highways in repair; the sum, when collected, shall be laid out in the repair of highways and bridges in the County.

Penalty for neglect—County liable.

SEC. 16. Each person who shall furnish work on the highways in payment of his highway tax, assessed by the County Commissioners, shall be allowed, for a good hand, at the rate of ten cents for each hour. It shall be the duty of the Highway Surveyor of the district to make such allowance for the use of teams, carriages and tools, as shall be equitable and just.

Rate at which labor shall be valued.

SEC. 17. That all able-bodied male persons between the ages of eighteen and forty-five years shall be liable, annually, to perform on the public highways and roads, not less than three, and not more than five days' labor, under the direction of the Highway Surveyor of their district: Provided, That if any person, being warned to work upon the highways, shall pay to the Highway Surveyor, in the district in which he may reside, the sum of one dollar per day for each day required, the same shall be received in lieu of such labor, and shall be applied by the said Highway Surveyor to the construction and repair of the highways and roads in the district. And should any person refuse either to work on the highways and roads or to pay the fine imposed as a penalty for refusing to work upon the highways and roads, according to the direction of said Commissioners, the said persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, punished by imprisonment in the County jail for the same, for a term not exceeding thirty days.

Persons liable to work.

Commutation.

Refusal.

Penalty.

SEC. 18. Each Highway Surveyor provided for in this Act shall receive fifteen cents per hour for the time necessarily employed in discharging the duties required by this Act: Provided, That he shall not receive exceeding fifty dollars per annum, except in extraordinary cases;

A. D. 1871.

when the County Commissioners may, in their discretion, allow a greater sum, and, in no event, more than seventy-five dollars.

SEC. 19. The County Commissioners shall, for the year 1871, levy no tax under this Act but that provided for in Section 17, but shall set apart a portion of the tax heretofore authorized to be raised for County purposes, and have the same laid out and expended under the provisions of this Act.

SEC. 20 All Acts and parts of Acts, inconsistent with this Act, are hereby repealed.

Approved March 9, 1871.

No. 408. AN ACT TO ESTABLISH A FERRY ACROSS THE CATAWBA RIVER, NEAR THE LATE JOHN S. PERRY'S MILL, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a ferry over Catawba River, at a place where a ferry was formerly operated by Johnston and Perry, and about two hundred yards from the late John S. Perry's Mill, be chartered and vested in Samuel McAlilley, his heirs and assigns, who shall be allowed the following rates of toll, to-wit: For a person on horseback, ten cents; for a one horse team, fifteen cents; two horse team, twenty-five cents; three horse team, thirty-five cents; and four horse teams, fifty cents; ox teams, same as horse teams; foot passengers, five cents; loose horses and mules, five cents each; cattle, three cents; and hogs, sheep and goats, two cents each.

SEC. 2. That this charter shall remain in force for the term of fourteen years: Provided, That children going to and returning from school, and voters going to and returning from their polling precinct on election days, shall be exempt from paying toll at the said ferry.

SEC. 3. *And be it further enacted*, by the authority aforesaid, That the County Commissioners of Fairfield County do lay out, or cause to be laid out, made and kept in repair, in as direct a course as conveniently may be, a road from the "River Road," crossing the Wateree Creek at Perry's Old Mill, to said ferry, on the line of road formerly used to said ferry.

SEC. 4. *And be it further enacted*, by the authority aforesaid, That the County Commissioners of Lancaster County do lay out, make and keep in repair, in as direct a course as conveniently may be, a public road from said ferry, to the road leading to Liberty Hill and Camden, and that the same be declared a public highway, with permission to those over whose land said road may pass to erect gates across the same.

Approved March 9, 1871.

No. 409. AN ACT TO CHARTER THE YEMASSEE AND MILLEN RAILROAD COMPANY, IN THE STATE OF SOUTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

Vested in S.
McAlilley.

County Com-
missioners to
lay out road.

Ibid.

bly, and by the authority of the same, That for the purpose of establishing a Railroad Company from Yemassee, on the Savannah and Charleston Railroad, to a point at or near Millen, Georgia, that a charter, with the rights and privileges incidental to the same, be, and is hereby, granted to, and vested in, John D. Bates, Francis E. Douner, Lewis D. Sam, Daniel Johnson, James A. Dunbar, Lewis Brum, Emery Washburn, John B. Dennis, Kerney L. Jones, Timothy Hurley, Anson W. Thayer, H. H. Montgomery, George Waterhouse, J. C. Mayo, J. M. Crofut, H. M. Stewart, Sr., H. J. Maxwell, and their associates; and when a Company shall be formed, in compliance with the conditions herein prescribed, it shall be known by the name of the Yemassee and Millen Railroad Company, and shall have a corporate existence, as a body politic, in perpetuity.

A. D. 1871.

Corporators.

SEC. 2. That the capital stock of said Company shall be five million (5,000,000) dollars, in shares of twenty-five dollars each; and, in order to raise the said capital stock, it shall be lawful to open books of subscription in such places, and at such times, as may be deemed for the best interests of the corporation, under the direction of the corporators—the times and places for receiving such subscriptions to be determined by a majority of the corporators; but should such a majority fail to fix such times and places, then such times and places may be fixed by any four of the corporators hereinbefore named, having given due notice of the same in any newspaper or newspapers of the State; and the subscription books shall be kept open for twenty days from such times, and at such places, as said corporators may determine; that on each share of stock subscribed the said subscribers shall pay two dollars to the corporators, who shall deposit the same in some national or State bank. When one hundred thousand dollars shall have been subscribed, the said corporators, or any four of them, shall give notice, by publication for at least ten days, of the time and place of meeting for organization.

Capital stock.

Subscription

Notice of same.

Organization.

SEC. 3. Whenever the said sum of one hundred thousand dollars shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be, and they are hereby, declared to be incorporated into a Company, and shall have all the rights and privileges conferred upon the Savannah and Charleston Railroad Company, ratified December 21st, A. D. 1853: Provided, however, That nothing herein contained shall be so construed as to exempt the said Company from the payment of taxes: And provided, further, That this Act shall not be construed so as to bind the State to endorse, guarantee or aid said road.

SEC. 4. That the said Company shall have the right to build bridges across navigable rivers: Provided, They shall put in good and sufficient draws, and shall construct necessary stations and turn-outs, with one or more tracks to the road, with such gauge as will correspond with that of the Savannah and Charleston Railroad, and may co-operate with such road or roads as may be chartered by the State of Georgia, forming but one road, at their discretion: Provided, That the said road shall be commenced within one year, and completed within five years, after the passage of this Act, or the charter thereof shall be forfeited: And provided, further, That said road shall be subject to the provisions of an Act entitled "An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the con-

May build bridges. Proviso.

When road to be completed.

A. D. 1871.

struction and uses of railways, and other works of internal improvement," ratified September 22d, A. D. 1868.

SEC. 5. This Act shall be deemed a public Act, and continue in force for twenty-one years.

Approved March 9, 1871.

No. 410. AN ACT TO AUTHORIZE AND REQUIRE THE COUNTY COMMISSIONERS OF BARNWELL COUNTY TO ESTABLISH A ROAD FROM BLACKVILLE TO ALLENDALE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of Barnwell County be, and they are hereby, authorized, empowered and required to lay out, make and keep in repair a public road leading from Blackville to Allendale, and crossing the Big Saltkahatchie Swamp, just above the entrance of Hercules Creek.

SEC. 2. That said County Commissioners shall appoint a competent person to survey and lay out said road, and, as soon thereafter as practicable, cause the same to be constructed.

SEC. 3. That in the construction of this road contemplated by the previous Sections of this Act, should there be necessity for the erection of bridges, the County Commissioners, on the recommendation of the surveyor of said road, shall cause public notice to be given, with the specifications required, and award the building of the same to the lowest bidder: Provided, however, Said bidder shall file his bond with the proper officers, in double the amount of the contract, for the faithful carrying out of its provisions.

SEC. 4. That the County Commissioners be further authorized and required to order out all persons liable to road duty residing within four miles of the line of said road, as located, (excepting those living in incorporated towns) to perform three days' work in each month on said road, until its completion, to the satisfaction of the County Commissioners, commencing the first month after the passage of this Act, notice to be given by the County Commissioners in the manner that such notices have been heretofore given—defaulters to be fined two dollars (\$2) for each day's failure to work as notified, the fines to be collected by the County Commissioners, and paid into the Treasury for the use of the said County.

SEC. 5. That the bridges mentioned in the third Section of this Act be completed during the first and second month from the commencement of construction of said road.

Approved March 9, 1871.

No. 411. AN ACT TO EMPOWER THE STATE TO MAINTAIN THE BENEFICIARIES IN THE LUNATIC ASYLUM, INSTEAD OF THE SEVERAL COUNTIES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

bly, and by the authority of the same, That from and after the passage of this Act, all beneficiaries now in, or hereafter to be placed in, the State Lunatic Asylum, be supported by the State.

A.D. 1871.

SEC. 2. That the State assume the liabilities of each and every of the Counties that is now in arrears for the support of its beneficiaries.

State to support beneficiaries and assume liabilities of Counties.

SEC. 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 9, 1871.

AN ACT TO VEST THE RIGHT AND TITLE OF THE STATE IN AND TO CERTAIN ESCHEATED PROPERTY IN A CERTAIN PERSON THEREIN NAMED.

No 412.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest which the State may have in a certain tract of land, containing two hundred acres, more or less, situate and lying in Marlboro County, lately held by John Ross, deceased, be, and the same is hereby, vested in John Wetherspoon, Executor of the last will and testament of the said John Ross, in trust, to dispose of the said property, and to distribute the proceeds arising therefrom under the provisions of said will.

Land owned by John Ross vested in Jno. Wetherspoon

Approved March 9, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE FORMATION OF CORPORATIONS," APPROVED DECEMBER 10, 1869.

No. 413.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to regulate the formation of corporations," approved December tenth, A. D. 1869, be amended as follows: In Section fourteen strike out the words "five hundred thousand dollars," and insert instead thereof the words "three millions of dollars;" in Section thirty-three, second line, after the words "shall not exceed," and before the words "the amount of its capital stock," insert the word "double." Section forty-one is repealed.

SEC. 2. That any incorporation formed in compliance with the terms of this Act is hereby empowered and authorized to issue bonds, secured by lien on the property of the said corporation, to an amount not exceeding the value of the property owned by said corporation, with interest on said bonds payable semi-annually; and it is further provided that any corporation formed in compliance with the terms of this Act is hereby authorized and empowered to issue additional bonds to such an amount that the interest thereon at 8 per cent. per annum shall not exceed the net income of said corporation.

Corporations may issue bonds.

May issue additional bonds.

Approved March 9, 1871.

A. D. 1871.

No. 414.

AN ACT TO ALTER AND RENEW THE CHARTER OF THE TOWN OF MANNING.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to incorporate certain towns and villages," approved on the 28th day of January, A. D. one thousand eight hundred and sixty, be, and the same is hereby, altered and amended as follows, to wit: That from and after the passage of this Act, all and every person or persons who shall have resided in the corporate limits of the village of Manning for two months are hereby declared to be members of the corporation hereby to be created.

Limits of town.

SEC. 2. That the said persons shall, from and after the passing of this Act, become a body politic and corporate, and shall be known and called by the name of the town of Manning, and its corporate limits shall extend one-half mile in every direction from the Court House, as a centre, except on the side next to Black River, the line of which, formed at high water, shall constitute its boundary in that direction.

Intendant and Wardens.

Term of office

SEC. 3. That the said town shall be governed by an Intendant and four Wardens, who shall have resided in the State for one year, and within the limits of the corporation for sixty days immediately preceding their election. The said Intendant and Wardens shall be elected on the second Monday of the month of April, in each year, ten days' notice being previously given, and shall continue in office one year, and until the election and qualification of their successors; and all male inhabitants of the said town who shall have attained the age of twenty-one years, and resided therein two months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Election — when and where held.

SEC. 4. That the said election shall be held in some convenient public place in said town, from eight o'clock in the morning until four o'clock in the evening; and when the polls shall be closed, the Managers shall forthwith count the votes and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall always appoint the Managers to conduct the election, who, before they open the polls for the said election, shall take an oath fairly and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of this State, and the following oath, to wit: "As Intendant (or Warden) of the town of Manning, I will, equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purpose for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to said Town Council the sum of twenty dollars, for the use of said town: Provided, That no person who has attained the age of sixty years shall be compelled to serve in either of the said offices, nor shall any other person be compelled to serve more than one year in any term of three years.

Oath of office.

Vacancies — how filled.

SEC. 5. That in case any vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, or otherwise, an

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election to fill such vacancy shall be held by the appointment of the Intendant or Warden, or Wardens, as the case may be, ten days' previous notice being given; and, in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act as Intendant during the time.

Judicial powers of officers.

SEC. 6. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the powers of a Trial Justice or other inferior Court; and the Intendant shall and may, as often as may be necessary, summons the Wardens to meet in Council; any two of whom shall, with the Intendant or any three Wardens, constitute a quorum to transact business, and they shall be known by the name of the Town Council of Manning. And they, and their successors hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, may plead and be impleaded, in any Court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real or personal, or mixed, and sell, alien or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the Intendant and Wardens shall have full power to make and establish all such rules, by-laws and ordinances respecting the roads, streets, markets and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of said town, or for preserving health, order, peace and good government within the same; and all the by-laws, rules and ordinances the said Council may make, shall, at all times, be subject to revial or repeal by the General Assembly of this State. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of said corporation: Provided, That no punishment shall exceed fifty dollars fine or thirty days' imprisonment.

May impose fines.

SEC. 7. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses to keep taverns, or to retail spirituous liquors within the corporate limits of said town, upon such conditions, and under such circumstances, as to them shall seem proper and right: Provided, That in no instance shall the price of a license to keep tavern, or to retail spirituous liquors, be fixed at a less sum than is established by the law of this State; and all moneys paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping tavern and billiard tables within the limits without licenses, shall be appropriated to the public uses of said town: Provided, That the Intendant and Wardens, duly elected and qualified, shall not have power to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they have been elected.

May grant licenses.

Proviso.

SEC. 8. That it shall be the duty of the Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair. They shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they, by ordinance, shall establish, the moneys so received to be applied to the public use of said town; and all persons refusing or failing to pay such commutation shall be liable to such fine, not exceeding twenty dollars, as the Town Council may impose.

Persons liable to work on streets.

SEC. 9. The said Town Council shall have power to regulate sales at

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Sales at auction.

Annual taxation.

May open new streets.

May appoint Marshals.

Their duties.

May establish a guard house.

auction within the limits of said town, and to grant licenses to said auctioneers: Provided, Nothing herein contained shall extend to sales by Sheriff, Clerk of Court, Judge of Probate, Coroner, Executor or Administrator, Assignee in Bankruptcy, or by any Trial Justice or other inferior Court.

SEC. 10. They shall also have power to impose an annual tax not exceeding twenty cents on every hundred dollars of the assessed value of real and personal estate lying within the corporate limits of said town, the real and personal estate of churches and school associations excepted, and to regulate the price of licenses upon all public shows and exhibitions in the said town; to erect a powder magazine, and compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for the rates of storage thereof, and for keeping and delivering the same. The said Council shall have power to enforce the payment of all taxes levied under authority of this Act, against the property and person of all defaulters, to the same extent and in the manner as is provided by law for the collection of the general taxes, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation; and directed to the Town Marshal or other persons especially appointed by the Town Council to collect the same; and all property upon which a tax shall be levied is hereby declared and made liable for the payment thereof, in preference to all other debts against the said property, except debts due to the State, which shall first be paid.

SEC. 11. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the town as they may deem necessary, by the sale of the freehold therein, either at public or private sale, as they may adjudge best for the interest of the said town; and they shall have power to lay out, adopt, open and keep in repair all such new streets, roads and ways within the town as they may deem necessary for the improvement and convenience of the said town: Provided, That no new street, road or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

SEC. 12. That the said Town Council shall have power, and are hereby authorized, to elect one or more Marshals, (in addition to the Sheriff of Clarendon, who shall also be a Marshal of the town,) to fix their salaries and prescribe their duties, who shall be sworn in and invested with all the powers and subjected to all the duties and liabilities that Constables now have or are subjected to by law, in addition to the duties and liabilities specially conferred and imposed upon them by the Town Council: Provided, That their jurisdiction shall be confined within the limits of the said town.

SEC. 13. That the said Town Council shall have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same, and until such guard house shall be established, they shall be authorized to use a room in the common jail of Clarendon County for the confinement of all persons who may be subject to be committed for violation of any ordinance of the town, passed in conformity to the provisions of this Act; and the said Town Council may, by ordinance, or the said Intendant and

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Who may
be committed

Wardens, in person, any one or more of them, authorize and require any Marshal of the town, or any Constable, specially appointed for that purpose, to arrest and commit to said guard house or jail of Clarendon County, as the case may be, for a term not exceeding twenty-four hours, any person or persons, who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of the said town, or any of them; and it shall be the duty of the Town Marshals to arrest and commit all such offenders when required to do so, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests; and upon failure of the Town Marshal to perform such duty as required, they shall severally be subject to such fines and penalties as the Town Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as provided by this Act for the collection of fines imposed for violation of ordinances: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he may have been committed.

SEC. 14. That the said Town Council shall have the power to collect the taxes from all persons representing, publicly, within the corporate limits, for gain or reward, any plays or shows, of any kind whatsoever, to be used for the purpose of said town.

SEC. 15. That all the fines which shall hereafter be collected for re-tailing, without license, within the corporate limits of the said town, shall be paid one-half to the informer, and the other half to the Council, for the use of the said town.

SEC. 16. That the said Town Council shall have power to abate all nuisances within their corporate limits; and, also, to appoint a Board of Health for said town, and to pass such ordinances as may be necessary to define the duties and powers of the said Board, and to impose fines and penalties upon the members of the said Board, for neglect of duty or refusal to serve: Provided, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars.

Abate
nuisances.

SEC. 17. That the said Town Council shall have power to borrow money for the public use of the corporation, by issuing, from time to time, as occasion may require, the bonds of the corporation, bearing interest at a rate not to exceed seven per centum a year, to be paid semi-annually, for an amount not to exceed five thousand dollars; and for the payment of the interest, and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall, at all times, be liable: Provided, That the private property of the inhabitants of the said town shall be bound for the redemption of the said loan in no other way than by the imposition of an annual tax, according to the provisions of this Act.

May
issue
bonds.

Proviso.

SEC. 18. That the Intendant and Wardens elect shall, during their term of office, be exempt from street duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors, a full account of their receipts and expenditures during their time, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and papers

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Neglect of
duty of off-
icers, and pen-
alty.

incidental to their office, to their successors; and on failure to do so, they shall be liable to be fined in a sum not exceeding one hundred dollars, to be collected in any proper action by the Town Council.

SEC. 19. That for any willful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment, as prescribed in the preceding Section, besides being liable for damages to any person or persons injured.

SEC. 20. That all ordinances heretofore passed by the Town Council of Manning, in conformity with the authority granted by such existing laws as do not conflict with the Constitution of the State, shall be, and they are hereby, declared legal and valid.

SEC. 21. That all Acts and parts of Acts heretofore passed in relation to incorporation of the village of Manning be, and the same are hereby, repealed.

SEC. 22. This Act shall be deemed a public Act, and continue in force until amended, altered or repealed.

Approved March 9, 1871.

No. 415.

AN ACT TO INCORPORATE THE TOWN OF FLORENCE.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, all and every person or persons, who shall have resided in the corporate limits of the village of Florence for two months, are hereby declared to be members of the corporation hereby to be created.

Limits of
town.

SEC. 2. That the said persons shall, from and after the passage of this Act, become a body politic and corporate, and shall be known and called by the name of the Town of Florence, and its corporate limits shall extend one mile in every direction from the corner of Front and Dargan Streets, in said town.

Intendant
and Wardens.

SEC. 3. That the said town shall be governed by an Intendant and four Wardens, who shall have resided in the State for one year, and within the limits of the corporation for sixty days immediately preceding their election. The said Intendant and Wardens shall be elected on the second Monday of the month of April, in each year, ten days' notice being previously given, and shall continue in office one year, and until the election and qualification of their successors; and all male inhabitants of the said town who shall have attained the age of twenty-one years, and resided therein two months immediately preceding the election, shall be entitled to vote for said Intendant and Wardens.

Term of office

Election—
how and
when held.

SEC. 4. That the said election shall be held in some convenient public place in said town, from six o'clock in the morning until six o'clock in the evening; and when the polls shall be closed the Managers shall forthwith count the votes, and declare the election, giving notice in writing to the persons elected. The Intendant and Wardens, for the time being, shall always appoint the Managers to conduct the election, who, before they open the polls for the said election, shall take an oath fairly

and impartially to conduct the same. And the Intendant and Wardens, before entering upon the duties of their offices, shall, respectively, take the oath prescribed by the Constitution of this State, and the following oath, to wit: "As Intendant (or Warden) of the Town of Florence, I will equally and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purpose for which I have been elected: So help me God." And if any person, upon being elected Intendant or Warden, shall refuse to act as such, he shall forfeit and pay to said Town Council the sum of twenty dollars, for the use of said town: Provided, That no person who has attained the age of sixty years shall be compelled to serve in either of the said offices, nor shall any other person be compelled to serve more than one year in any term of three years.

A. D. 1871.

Oath of office.

SEC. 5. That in case any vacancy should occur in the office of Intendant, or any of the Wardens, by death, resignation or otherwise, an election to fill such vacancy shall be held by the appointment of Intendant and Warden or Wardens, as the case may be, ten days' previous notice being given; and in case of sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of their number to act as Intendant during the time.

Vacancies—
how filled.

SEC. 6. That the Intendant and Wardens duly elected and qualified shall, during their term of service, severally and respectively, be vested with all the powers of a Trial Justice or other inferior Court; and the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom shall, with the Intendant, or any three Wardens, constitute a quorum to transact business, and they shall be known by the name of the Town Council of Florence. And they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances, may sue and be sued, may plead and be impleaded in any Court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real or personal or mixed, and sell, alien, or convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the Intendant and Wardens shall have full power to make and establish all such rules, by-laws and ordinances respecting the roads, streets, market and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of said town, or for preserving health, order, peace and good government within the same; and all the by-laws, rules and ordinances the said Council may make shall, at all times, be subject to revisal or repeal by the General Assembly of this State. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public uses of said corporation: Provided, That no punishment shall exceed fifty dollars, or thirty days' imprisonment.

Amount of
property.May impose
fines.

SEC. 7. That the Intendant and Wardens of said town shall have full and only power to grant or refuse licenses to keep taverns, or retail spirituous liquors within the corporate limits of said town, upon such conditions, and under such circumstances, as to them shall seem right and proper: Provided, That in no instance shall the price of a license to keep a tavern, or to retail spirituous liquors, be fixed at a less sum than is

Grant licen-
ses.

Proviso.

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established by the laws of this State; and all moneys paid for licenses, and for fines and forfeitures for retailing spirituous liquors, keeping tavern and billiard tables within the said limits, without licenses, shall be appropriated to the public uses of said town: Provided, That the Intendant and Wardens, duly elected and qualified, shall not have power, to grant any license to keep taverns or retail spirituous liquors to extend beyond the term for which they have been elected.

Persons liable to work on streets.

SEC. 8. That it shall be the duty of the Intendant and Wardens to keep all roads, streets and ways within their corporate limits open and in good repair. They shall have power to compound with all persons liable to work the streets, ways and roads in said town, upon such terms as they, by ordinance, shall establish, the moneys so received to be applied to the public use of said town; and all persons refusing or failing to pay such commutation shall be liable to such fine, not exceeding twenty dollars, as the Town Council may impose.

Sales at auction.

SEC. 9. The said Town Council shall have power to regulate sales at auction within the limits of said town, and to grant licenses to auctioneers: Provided, Nothing herein contained shall extend to sales by Sheriff, Clerk of Court, Judge of Probate, Coroner, Executor or Administrator, Assignee in Bankruptcy, or by any of the persons out of the order, decree of any Court, Trial Justice or other inferior Court.

Annual taxation.

SEC. 10. They shall also have power to impose an annual tax not exceeding fifty cents on every hundred dollars of the assessed value of real and personal estate lying within the corporate limits of said town, the real and personal estate of churches and school associations excepted. The said Council shall have power to regulate the price of licenses upon all public shows and exhibitions in the said town; to erect a powder magazine, and compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for the rates of storage thereof, and for keeping and delivering the same. The said Council shall have power to enforce the payment of all taxes levied under authority of this Act, against the property and person of all defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general taxes, except that executions to enforce the payment of the town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal or other person especially appointed by the Town Council to collect the same; and all property upon which a tax shall be levied is hereby declared and made liable for the payment thereof, in preference to all other debts against the said property, except debts due to the State, which shall first be paid.

May open new streets.

SEC. 11. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the town as they shall deem necessary, by the sale of the freehold therein, either at public or private sale, as they may adjudge best for the interest of the said town, and they shall have power to lay out, adopt, open and keep in repair all such new streets, roads and ways within the town as they may deem necessary for the improvement and convenience of the said town: Provided, That no new street, road or way shall be opened without first having obtained the consent of the land owner or owners through whose premises any such new street, road or way may pass.

Proviso.

SEC. 12. That the said Town Council shall have power, and are hereby authorized, to elect two or more Marshals, (in addition to the Sheriff of Darlington, who shall be a Marshal of the town,) to fix their salaries and prescribe their duties, who shall be sworn in and invested with all the powers, and subjected to all the duties and liabilities that Constables now have, or are subjected to by law, in addition to the duties and liabilities specially conferred and imposed upon them by the Town Council: Provided, That their jurisdiction shall be confined within the limits of the said town.

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May appoint Marshals.

SEC. 13. That the said Town Council shall have power to establish a guard house, and to prescribe, by ordinance, suitable rules and regulations for keeping and governing the same; and, until such guard house shall be established, they shall be authorized to use a room in the common jail of Darlington County for the confinement of all persons who may be subject to be committed for violation of any ordinance of the town, passed in conformity to the provisions of this Act; and the said Town Council may, by ordinance, or the said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal of the town, or any Constable, specially appointed for that purpose, to arrest or commit to said guard house or jail of Darlington County, as the case may be, for a term not exceeding twenty-four hours, any person or persons who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of the said town, or any of them; and it shall be the duty of the Marshals to arrest and commit all such offenders, when required to do so, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrests, and, upon failure of the Town Marshal to perform such duty, if required, they shall severally be subject to such fines and penalties as the Town Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment, which said costs and expenses shall be collected in the same manner as provided by this Act for the collection of fines imposed for violation of ordinances: Provided, That such imprisonment shall not exempt the party from the payment of any fine the Council may impose for the offence for which he may have been committed.

Guard house.

Who may be committed to

Proviso.

SEC. 14. That the said Town Council shall have the power to collect the taxes from all persons representing, publicly, within the corporate limits, for gain or reward; any plays or shows, of any kind whatsoever, to be used for the purpose of said town.

SEC. 15. That all the fines which shall hereafter be collected for retailing, without license, within the corporate limits of the said town, shall be paid one-half to the informer, and the other half to the Council, for the use of the said town.

SEC. 16. That the said Town Council shall have power to abate all nuisances within their corporate limits; and also to appoint a Board of Health of said Town, and to pass such ordinances as may be necessary to define the duties and powers of said Board, and to impose fines and penalties upon the members of the said Board, for neglect of duty or refusal to serve: Provided, That no fine hereby authorized to be imposed shall exceed the sum of twenty dollars. The said Town Council of Florence shall have power and authority to require the owner or owners of any lot

Board of Health.

Sidewalks..

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or lots in the said Town, to keep the streets in front of said lot or lots clear of all filth and rubbish, and also to make and keep in good repair sidewalks in front of said lot or lots when the same shall front on or adjoin any of the public streets of the said Town, if, in the judgment of the said Town Council, such sidewalks shall be necessary; the width thereof and the manner of their construction to be designated and regulated by the said Town Council; and for default or refusal on the part of such owner or owners to keep the said streets clean, or to make and keep in repair such sidewalks whenever required, the said Town Council may cause the said streets to be cleaned, or such sidewalks to be made and kept in repair, and require such owner or owners to pay the costs and expenses thereof: Provided, however, That contracts for cleaning the said streets, or making and putting in repair such sidewalks, shall be let to the lowest bidder.

Proviso.

May issue bonds.

SEC. 17. That the said Town Council shall have power to borrow money for the public use of the corporation, by issuing, from time to time, as occasion may require, the bonds of the corporation, bearing interest at a rate not to exceed seven per centum a year, to be paid semi-annually, for an amount not to exceed five thousand dollars; and for the payment of the interest, and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall at all times be liable: Provided, That the private property of the inhabitants of the Town shall be bound for the redemption of the said loan in no other way than by the imposition of an annual tax, according to the provisions of this Act.

Proviso.

SEC. 18. That the Intendant and Wardens elect shall, during their term of office, be exempt from street duty. Each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors a full account of their receipts and expenditures during their time, and shall pay over all moneys in their possession belonging to the corporation, and deliver up all books, records and papers incidental to their office to their successors; and on failure to do so, they shall be liable to be fined in a sum not exceeding one hundred dollars, to be collected in any proper action by the Town Council.

Neglect of duty of officers, and penalty.

SEC. 19. That for any willful violation or neglect of duty, malfeasance in office, abuse or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment as prescribed in the preceding Section, besides being liable for damages to any person or persons injured.

SEC. 20. That all Acts and parts of Acts heretofore passed in relation to incorporation of the Town of Florence be, and the same are hereby, repealed.

SEC. 21. This Act shall be deemed a public Act, and continue in force until amended, altered or repealed.

Approved March 9, 1871.

No. 416. AN ACT TO RENEW AND AMEND THE CHARTER OF THE TOWN OF ANDERSON.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

and by the authority of the same, That from and immediately after the passage of this Act, all and every person or persons who may have resided within the corporate limits of the town of Anderson for one year, or who may own a freehold therein, and their successors, are hereby declared to be members of the corporation hereby intended to be created.

A. D. 1871.

SEC. 2. That the said persons and their successors shall, from and after the passage of this Act, become a body politic and corporate, and shall be known and called by the name of the town of Anderson, and its corporate limits shall extend one mile in the direction of the cardinal points from the court house thereof as a centre, and form a square.

Limits of town.

SEC. 3. That the said town shall be governed by an Intendant and four Wardens, who shall be persons that actually reside within the limits of the corporation, and have so resided at least twelve months immediately preceding their election. The said Intendant and Wardens shall be elected on the second Monday in September in each year, ten days' notice having been previously given, and shall continue in office for one year, and until the election and qualification of their successors; and all male inhabitants of said town, who shall have attained the age of twenty-one years, and resided therein sixty days immediately preceding the election, shall be entitled to vote for said Intendant and Wardens: Provided, That no person shall be allowed to vote at any such election who shall not have registered his name as a voter with the Clerk of the Council, in a book or books to be kept by him for that purpose, by ten o'clock A. M., on the day preceding every such election.

Intendant and Wardens

Electors.

SEC. 4. That said election shall be held in some convenient public place in said town, from nine o'clock in the morning until five o'clock in the evening; and when the polls shall be closed the Managers shall forthwith proceed to count the votes under oath, stating the whole number of votes cast for each candidate or person voted for, and shall transmit their report of the same, in a sealed envelope, to the Intendant of the town; and if there be no such Intendant, the same shall be transmitted to the Clerk of the Court of Anderson County. The said Intendant or Clerk of the Court shall open the report of the said Managers, and shall announce and publish the whole number of the votes cast, and the whole number cast for each candidate, when the several candidates receiving the highest number of legal votes for the offices for which they were voted for, shall be declared duly elected. The Intendant and Wardens, for the time being, shall always appoint three Managers to conduct the election, who, before they open the polls for said election, shall take the oath fairly and impartially to conduct the same; and the Intendant and Wardens, before entering upon the duties of their office, shall, respectively, take the oath prescribed by the Constitution of this State, and also the following oath, to wit: "As Intendant (or Warden) of the town of Anderson, I will faithfully and impartially, to the best of my ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace and carry into effect, according to law, the purposes for which I have been elected: So help me God."

Election -- when, where and how held.

Oath of office.

SEC. 5. In case a vacancy should occur in the office of Intendant, or any of the Wardens, by death, resignation, or otherwise, an election to fill such vacancy shall be held by the appointment of the Intendant and Warden, or Wardens; and in case there be none, then by the appointment of the Clerk of the Court of Anderson County.

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Judicial powers of officers.

SEC. 6. That the Intendant and Wardens, duly elected and qualified, shall be, during their term of office, vested with all the powers and authority with which Trial Justices are at present vested by law, except the trial of civil cases, and except as it may be otherwise provided in this Act; and the Intendant shall and may, as often as may be necessary, summon the Wardens to meet in Council, any two of whom, with the Intendant, or any three Wardens, may constitute a quorum to transact business; and they shall be known by the name of the Town Council of Anderson; and they and their successors, hereafter to be elected, may have a common seal, which shall be affixed to all their ordinances; may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, and purchase, hold, possess and enjoy to them and their successors, in perpetuity, or for any term of years, any estate, real, personal or mixed, and sell, alien and convey the same: Provided, The same shall not exceed, at any one time, the sum of ten thousand dollars. And the said Intendant and Wardens shall have full power to make and establish all such rules, by-laws and ordinances respecting the roads, streets, markets and police of said town, as shall appear to them necessary and requisite for the security, welfare and convenience of the said town, or for preserving health, peace, order and good government within the same. And the said Council may fix and impose fines and penalties for the violation thereof, and appropriate the same to the public use of the said corporation: Provided, That in all cases of trials to be had before the said Town Council, as hereinbefore provided, the party charged shall be cited to trial by service upon him of a summons, under the hand of the Intendant, any one of the Wardens, or the Clerk of the Council, wherein shall be expressed with certainty the offence charged, and the time and place of trial, which service shall be made at least five days before the day of trial.

Proviso.

May grant licenses.

SEC. 7. That the Intendant and Wardens of the said town shall have full and only power to grant or refuse license to retail spirituous liquors within the said limits, which license shall be granted in the same manner and upon the same conditions as they now are, or may hereafter be, under the laws of this State, except that the Town Council shall have the power to regulate the price of license to keep taverns and to retail spirituous liquors: Provided, That in no instance the price of a license so to keep tavern or retail spirituous liquors shall be fixed at a less sum than is established by the laws of this State; and all the powers vested formerly in the Commissioners of Roads are hereby granted to the said Intendant and Wardens within the said limits; and all moneys paid for licenses, and for fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard tables within the said limits without license, shall be appropriated to the uses of said corporation: Provided, That the Intendant and Wardens duly elected and qualified shall not have power to grant any licenses to keep tavern or retail spirituous liquors to extend beyond the time for which they shall have been elected.

Roads, ways and streets.

SEC. 8. That it shall be the duty of the said Intendant and Wardens to keep all streets, roads and ways within their corporate limits open and in good repair, and for that purpose they are invested with all the powers granted formerly to the Commissioners of Roads. And they shall have power to compound with all persons liable to work the streets,

ways and roads in said town, upon such terms as they shall, by ordinance, establish; the moneys so received to be applied to the public use.

SEC. 9. That the said Town Council shall have power to impose an annual tax upon the keepers of all billiard tables and ten pin alleys, or other pin alleys, within the discretion of said Council, and to grant or refuse licenses for the same, upon such terms and conditions, and subject to such regulations as they may, by ordinance, establish. They shall also have power to impose a tax, within their discretion, on all sales made by itinerant traders and auctioneers, on all public drays, wagons, carriages, omnibuses, and other vehicles kept for hire, and on the owners or proprietors of all dogs, hogs, sheep, goats and cattle kept within the corporate limits of said town. The said Town Council shall have power to impose an annual tax on the amount of all sales of goods, wares and merchandise, and also on the amount of income arising from all factorage and merchandise, employments, faculties and professions, including the profession of dentistry; also upon the amount of income from all moneys loaned at interest, and from dividends received from banks and all other stocks: Provided, That no tax shall be imposed in any one case to exceed the rate of thirty cents on each hundred dollars of the value of such sales and income. And the said Town Council shall have power to impose an annual tax on all carriages and wagons, of whatever kind, kept for private use; on all gold, silver and other watches kept for private use within the limits of the said town. And the said Town Council shall have power to impose an annual tax, not exceeding thirty cents on every hundred dollars of the value of all real estate lying within the corporate limits of said town, the real estate of churches and school associations excepted; and, for that purpose, they shall appoint three freeholders residing therein to assess the value of said real estate upon oath, and return the assessment within one month to said Council for taxation, and to fill any vacancy occasioned by the death, resignation, refusal to serve or removal from office of the said Assessor. And the said Town Council shall have power to regulate the price of licenses upon all public shows and exhibitions in said town, to erect a powder magazine, and to compel any person holding more than twenty-five pounds of powder to store the same therein, and to make regulations for rates of storage thereof, and for keeping and storing the same. And the said Town Council shall have power to enforce the payment of all taxes and assessments levied under the authority of this Act against the property and persons of defaulters, to the same extent, and in the same manner, as is provided by law for the collection of the general State tax, except that executions to enforce the payment of town taxes shall be issued under the seal of the corporation, and directed to the Town Marshal, or other persons especially appointed by the said Town Council to collect the same; and all property upon which a tax shall be levied and assessed is hereby declared and made liable for the payment thereof, in preference to other debts due by the person owning such property at the time of the assessment, except debts due the State, which shall be first paid. The said moneys, together with all other moneys collected by authority of the provisions of this Act, and the ordinances passed in conformity thereto, from whatever source said moneys may arise, to be paid into the Treasury of said town for the use of the corporation.

SEC. 10. That returns shall be made, on oath, to the Clerk of the Town

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Annual taxation.

Proviso.

May impose a tax.

Enforce the payment of taxes.

Collection of taxes.

A. D. 1871.

Council, during the month of January, in each year, of the amount of all sales of merchandise, professional, mechanical or other incomes, and of the quantity and kind of all other property than real estate subject to taxation under the provisions of this Act, by persons who may be liable to pay the taxes on the same; and the said taxes shall be paid on or before the first day of March then next ensuing; upon failure thereof, any party in default shall be subject to the penalties now provided by law for failure to pay the general State tax.

Sidewalks,
&c.

SEC. 11. That the said Town Council shall have authority to require all persons owning a lot or lots in said town to make and keep in good repair sidewalks in front of said lot or lots whenever the same shall front on or adjoin any public street of said town, if, in the judgment of the Council, such sidewalks shall be necessary, the width thereof, and the manner of their construction, to be designated and regulated by the said Council; and for default or refusal to make and keep in repair such sidewalks, the Town Council may cause the same to be made and put in repair, and require the owner to pay the price of making or repairing; and the said Town Council are hereby empowered to sue for and recover the same by action of debt in any Court of competent jurisdiction in Anderson County: Provided, That such contract for making or repairing be let to the lowest bidder.

Proviso.

SEC. 12. That the said Town Council shall have power, with the consent of the adjacent land owners, to close all such roads, streets and ways within the said Town as they may deem necessary, by sale of the freehold therein, either at private or public sale, as they may adjudge best for the interest of said town; and they shall also have power to lay out, adopt, open and keep in repair all such new streets, roads and ways as they may, from time to time, deem important or necessary for the improvement and convenience of said town: Provided, That no new street, road or way shall be opened without first having obtained the consent of the land owner through whose premises any such new street, road or way may pass.

May appoint
Marshals.

SEC. 13. That the said Town Council shall have power, and are hereby authorized, to elect one or more Marshals (in addition to the Sheriff of Anderson, who shall also be a Marshal of the Town), to fix their salaries and prescribe their duties, who shall be duly sworn in and invested with all the power, and subjected to all the duties and liabilities that Constables now have, or are subjected, by law, in addition to the duties and liabilities specially conferred and imposed on them by the Town Council: Provided, That their jurisdiction shall be confined to the corporate limits of said town.

Guard house.

SEC. 14. That the said Town Council shall have power to establish a guard house, and to prescribe, by ordinances, suitable rules and regulations for keeping and governing the same; and until such guard house shall be established, they shall be authorized to use a room in the common jail of Anderson County for the confinement of all persons who may be subject to be committed for the violation of any ordinance of the town, passed in conformity with the provisions of this Act; and the said Town Council may, by ordinance, or the said Intendant and Wardens in person, any one or more of them, authorize and require any Marshal of the town, or any Constable, specially appointed for that purpose, to arrest and to commit to the said guard house or jail of Anderson County, as the case may be, for a term not exceeding twenty-four hours, any person or persons

Who may be
committed to

who, within the corporate limits of said town, may be engaged in a breach of the peace, any riotous or disorderly conduct, open obscenity, public drunkenness, or in any conduct grossly indecent or dangerous to the citizens of said town, or any of them; and it shall be the duty of the Town Marshals to arrest and commit all such offenders, when required so to do, who shall have power to call to their assistance the *posse comitatus*, if need be, to aid in making such arrest; and upon the failure of such Marshals to perform such duty as required, they shall, severally, be subject to such fines and penalties as the Town Council may establish; and all persons so imprisoned shall pay the costs and expenses incident to their imprisonment: Provided, That such imprisonment shall not exempt the party from payment of any fine the Council may impose for the offence for which he may have been committed.

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Proviso.

SEC. 15. That the said Town Council shall have power to collect the taxes from all persons representing publicly within their corporate limits, for gain or reward, any plays or shows, of what nature or kind soever, to be used for the purposes of said corporation.

SEC. 16. That all fines, which shall hereafter be collected by conviction in the Court of Sessions, for retailing without license within the corporate limits of said town, shall be paid one-half to the informer, and the other half to the said Town Council, for the uses of the corporation.

SEC. 17. The said Town Council shall have power and authority to abate all nuisances within the corporate limits, and also to appoint a Board of Health for said town, and to pass all such ordinances as may be necessary to define the powers and duties of said Board.

SEC. 18. That the said Town Council shall have power to borrow money for the public use of the corporation by issuing, from time to time, as occasion may require, the bonds of said corporation, bearing interest at a rate not exceeding seven per centum per annum, to be paid semi-annually, for an amount not to exceed the sum of fifteen thousand dollars; and for the payment of the interest, and the ultimate redemption of the principal, according to the terms of the loan, the said corporation shall be at all times liable: Provided, That the property of the inhabitants of said town shall be bound for the redemption of said loan in no other way than by the imposition of an annual tax, according to the provisions of this Act: And provided, further, That a majority of the owners of real estate within the corporate limits of said town, shall first vote in favor of issuing said bonds, and the said Town Council shall give at least thirty days' notice of holding such election.

May borrow money and issue bonds.

Proviso.

Further proviso.

SEC. 19. That the Intendant and Wardens shall, during their term of office, be exempt from street duty; and each Town Council shall, within one month after the expiration of their term of office, make out and return to their successors, a full account of their receipts and expenditures during their term, and shall pay over all moneys in their hands, belonging to the corporation, and deliver up all property, books, records and other papers incident to their office, to their successors; and, on failure so to do, they shall be liable to the punishment prescribed in the twenty-first Section of this Act.

SEC. 20. That all ordinances heretofore passed by the Town Council of Anderson, in conformity with the authority granted by existing laws, shall be, and they are hereby, declared legal and valid.

SEC. 21. That for any willful violation or neglect of duty, malpractice,

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Neglect of
duty of officers,
and penalty.

abuse or oppression, the said Intendant and Wardens, jointly and severally, shall be liable to indictment in the Court of Sessions, and, upon conviction, to punishment by fine, not exceeding one hundred dollars, besides being liable for damages to any person injured.

SEC. 22. That all Acts and parts of Acts heretofore passed in relation to the incorporation of the town of Anderson be, and the same are hereby, repealed. And this Act shall be deemed and taken to be a public Act, and continue in force for the term of twenty years, and until the end of the session of the Legislature then next ensuing.

Approved March 9, 1871.

No. 417. AN ACT TO CHARTER THE SOUTH CAROLINA PHOSPHATE AND PHOSPHATIC RIVER MINING COMPANY, IN THE STATE OF SOUTH CAROLINA, AND TO GRANT TO THE PERSONS THEREIN NAMED, AND THEIR ASSOCIATES, THE RIGHT TO DIG AND MINE IN THE BEDS OF THE NAVIGABLE STREAMS AND WATERS OF THE STATE OF SOUTH CAROLINA FOR PHOSPHATE ROCKS AND PHOSPHATIC DEPOSITS.

Corporators.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina does hereby give and grant to the following persons, to wit: R. B. Elliott, Robert Smalls, W. J. Whipper, N. B. Myers, Lucius Wimbush, W. B. Nash, S. A. Swails, H. J. Maxwell, James M. Allen, W. H. Jones, B. A. Bosemon, B. Byas, Edward Mickey, E. Nehemias, W. R. Jervey, J. N. Hayne, Timothy Hurley, Anson W. Thayer, John B. Bates, J. C. Mayo, James M. Crofut, F. J. Moses, Jr., A. J. Ransier, C. W. Montgomery, B. F. Whittemore and R. A. Sisson, and such other persons as they may associate with them, the right to dig, mine and remove, for the full term of thirty years, from the beds of the navigable streams and waters within the jurisdiction of the State of South Carolina, the phosphate rocks and phosphatic deposits: Provided, That the persons named, and their associates, shall not in any way interfere with the free navigation of the navigable streams and waters of this State, or the private rights of any citizen or citizens residing upon or owning the lands upon the banks of the said navigable rivers and waters of the State.

Purpose of
company.

Shall pay \$1
for every ton.

SEC. 2. That this gift and grant is made upon the express condition that said grantees shall pay to the State of South Carolina the sum of one (1) dollar per ton for every ton of phosphate rock and phosphatic deposits dug, mined and removed from the said navigable rivers and waters of the State; and, further, that the said grantees shall pay into the Treasury of the State the sum of five hundred dollars, as a license fee, before commencing business under said grant.

Shall file
bond.

SEC. 3. Before commencing operations under authority of this Act, said grantees and their associates shall file, or cause to be filed, in the office of the State Auditor, a bond in the penal sum of fifty thousand (50,000) dollars, conditioned that said grantees and their associates shall make true and faithful returns to said State Auditor, annually, on or

before the first day of October, and oftener, if required by the said State Auditor, of the number of tons of phosphatic rocks and phosphatic deposits dug, mined and removed by them from the beds of the navigable streams and waters of the State; and shall punctually pay to the State Treasurer, annually, on the first day of October, one (1) dollar per ton for every ton of phosphate rocks and phosphatic deposits by them dug, mined and removed from the beds of the navigable streams and waters of the State during the year preceding; said bond to be renewed annually, and approved by the Attorney-General. The books of said grantees and their associates shall be opened to the inspection of the State Auditor, or agent duly appointed by him for that purpose.

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SEC. 4. That the capital stock of said Company shall consist of two million (2,000,000) dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to an amount not exceeding five million dollars; and when the sum of three hundred thousand dollars shall have been subscribed, the said Company may be organized and go into operation.

Capital stock.

SEC. 5. That the profits of said Company may, from time to time, be divided among the stockholders according to such rules and regulations as they may prescribe, not repugnant to the laws of the State.

Division of profits.

SEC. 6. That the stock of said Company may be transferred in such manner and form as may be directed by the by-laws of the Company.

SEC. 7. The said Company shall be entitled to all the rights and privileges accorded to other corporations incorporated by the laws of this State: Provided, That nothing in this Act shall be construed as giving to the said South Carolina Phosphate and Phosphatic River Mining Company the exclusive right to dig and mine in the navigable rivers and waters of the State.

SEC. 8. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 9, 1871.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE ENTERPRISE RAILROAD COMPANY, OF CHARLESTON, SOUTH CAROLINA," APPROVED MARCH 1, 1870.

No. 418.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Enterprise Railroad Company are hereby authorized to lay their railroad track through and along any street of the city of Charleston, which may be necessary, in order to connect with the track of the South Carolina Railroad Company, and track of the Northeastern Railroad Company, and to connect East Bay Street with the Ashley River.

Extent of road.

SEC. 2. The said company are further authorized to lay their railroad track and run their cars from any point or points on the Cooper River, to any point or points on the Ashley River, within the City of Charleston, or within ten miles of the corporate limits of said city.

May connect with Ashley and Cooper Rivers.

SEC. 3. The said company are further authorized to issue seven per

Issue of bonds

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May connect
with wharves

Transporta-
tion of freight
and passen-
gers.

cent. coupon bonds, to the amount of ten thousand dollars for every mile of completed railway.

SEC. 4. The said company are further authorized to lay their railway track or tracks, should it be found desirable, down to the water front of any of the wharves of the said city.

SEC. 5. The track or tracks herein authorized may be used by said company for carrying freights and passengers, or either, at the option of said company.

Approved March 9, 1871.

No. 419.

AN ACT TO REGULATE THE MANNER OF DRAWING JURIES.

Who liable
to be drawn.

Who exempt
from jury.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, All persons who are qualified to vote in the choice of Representatives in the General Assembly shall be liable to be drawn and serve as jurors, except as hereafter provided.

SEC. 2. The following persons shall be exempt from serving as jurors, to wit: The Governor, Lieutenant Governor, Attorney-General, Comptroller-General, State Auditor, State Treasurer, Secretary of State, Superintendent of Education, Commissioner of Agricultural Statistics, members and officers of the Senate and House of Representatives during the session of the General Assembly, members of the Senate and House of Representatives of the United States, Judges and Justices of any Court, County Commissioners, County Auditors and Treasurers, Clerks of Courts, Registers of Mesne Conveyance, Sheriffs and their Deputies, Coroners, Constables, the Marshals of the United States and their Deputies, and all other officers of the United States, counsellors and attorneys-at-law, ordained ministers of the Gospel, officers of colleges, preceptors and teachers of academies, practicing physicians and surgeons regularly licensed, cashiers and tellers of incorporated banks, editors of newspapers, constant ferrymen, millers carrying on that business at the time, and all men actually employed as such; such officers and employees of railroads as are now exempt by law, and persons who are more than sixty-five years old.

How often
person may
be drawn.

SEC. 3. No person shall be liable to be drawn and serve as a juror in any Court oftener than once in every year; but he shall not be so exempt, unless he actually attends and serves as a juror in pursuance of the draft: Provided, No person shall be exempt from serving on a jury in any other Court in consequence of his having served before a Justice of the Peace, or Trial Justice.

Governor to
appoint Jury
Commission-
ers.

SEC. 4. There shall be appointed by the Governor, and confirmed by the Senate, one officer for each County in the State, to be named and designated a Jury Commissioner, who, with the County Auditor and Chairman of the Board of County Commissioners, shall constitute a Board of Jury Commissioners for the County. Said Jury Commissioner shall hold his office for two years, unless sooner removed by the Governor.

Duty of Jury
Commission-
ers.

SEC. 5. The Board of Jury Commissioners of each County shall, once in every year, during the month of January, and for the present year within

one month after the passage of this Act, prepare a list of such inhabitants of their respective Counties, not absolutely exempt, as they may think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions, which list shall include not less than one from every twenty voters, nor more than one from every ten voters, of their respective Counties.

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SEC. 6. Of the list so prepared, the Board of Jury Commissioners shall cause the names to be written, each one on a separate paper or ballot, and shall fold up said pieces of paper or ballots so as to resemble each other as much as possible, and so the name written thereon shall not be visible on the outside, and shall place them in a box, to be furnished them by the County Commissioners of their County for that purpose, and by said Board of Jury Commissioners to be kept.

Mode of drawing jury.

SEC. 7. If any person whose name is so placed in said jury box is convicted of any scandalous crime, or is guilty of any gross immorality, his name shall be withdrawn therefrom by the Board of Jury Commissioners, and he shall not be returned as a juror.

Persons guilty of crime not to be drawn.

SEC. 8. The Clerk of the Court of Common Pleas in each County, at least fifteen days before the commencement of any regular term of the Court of General Sessions for the County, and ten days before any special session requiring a jury, and in the County of Charleston like periods before the first of each alternate week of the Court of Common Pleas, and at such other times as the respective Courts may order, shall issue writs of *venire facias* for jurors, and shall therein require the attendance of jurors on the first day of the term, and for the Court of Common Pleas for the County of Charleston on the first and each alternate week thereafter, and such other days as the Courts may order. The petit jurors returned for the Court of General Sessions for Charleston County shall serve for the term, and the jurors returned for the Court of Common Pleas for two weeks; the jurors for the Court of General Sessions for all other Counties shall serve for the term, and for the term of the Court of Common Pleas immediately following.

Clerk—when and how to summon jurors.

SEC. 9. The *venires* shall be delivered to the Sheriff of the County, and shall be served by him without delay upon the Board of Jury Commissioners of the County.

Sheriff to serve venires.

SEC. 10. Nothing contained in the preceding Sections shall prevent the Clerk of any Court of Common Pleas from issuing *venires* for additional jurors in term time, whenever it is necessary for the convenient dispatch of its business, in which case the *venires* shall be served and returned, and the jurors required to attend on such days as the Court shall direct.

Additional Jurors.

SEC. 11. All jurors, whether required to serve on grand or petit jury, shall be selected by drawing ballots from the jury box, and the persons whose names are borne on the ballots so drawn shall be returned to serve as jurors.

SEC. 12. When jurors are to be drawn, the Board of Jury Commissioners shall attend at the office of the Clerk of the Court of Common Pleas within and for that County, and in the presence of the Clerk of the Court, and the Sheriff of the County, shall shake up the names in the jury box until they are well mixed, and having unlocked said box, the said Board of Jury Commissioners, in the presence of the Clerk of the Court and Sheriff of the County, shall proceed to draw therefrom, without seeing the names written thereon, a number of ballots equal to the

Jurors—how drawn.

A. D. 1871.

number of jurors required. If a person so drawn is exempted by law, or is unable, by reason of sickness or absence from home, to attend as a juror, or if he has served as a juror in any Court within the year then next preceding, his name shall be returned into the box, and another drawn in his stead: Provided, That if the Clerk and Sheriff shall fail to attend, after due notice, the Jury Commissioners shall proceed without them, and the jury so drawn shall be lawful.

SEC. 13. When any person is drawn and returned to serve as a juror in any Court, the Board of Jury Commissioners shall endorse on the ballot the date of the draft, and return it into the box after the number of jurors required have been drawn; and whenever there is a revision and renewal of the ballots in the box, the Board of Jury Commissioners shall transfer to the new ballots the date of all the drafts made within the year then next preceding.

SEC. 14. The time for drawing jurors shall not be less than seven nor more than fifteen days before the day when the jurors are required to attend.

Sheriff to
return ven-
ires to Clerk
of Court.

SEC. 15. The Sheriff shall, at least four days before the time when the jurors are required to attend, summon each person who is drawn, by reading to him the *venire*, with his endorsement thereon of his having been drawn, or by leaving at his place of abode a written, notification of his having been drawn, and of the time and place of the sitting of the Court at which he is to attend, and shall make return of the *venire*, with his doings thereon, to the Clerk of the Court, before the opening or time of holding the Court from which it issued.

Empannel-
ling of juries.

SEC. 16. On the day when the jurors are summoned to attend at any Court, the Clerk shall prepare a list of their names arranged in alphabetical order. The first twelve on the list who are not exempt, shall be sworn and empannelled as a jury for the trial of causes, and shall be called the first jury. The next twelve on the list shall be sworn and empannelled in like manner, and shall be called the second jury.

SEC. 17. Supernumerary jurors may be excused, from time to time, until wanted, and may be put on either of the juries, as occasion requires, in the place of absentees. Nothing herein contained shall prevent the transferring of jurors from one jury to another, when the convenience of the Court or of the jurors requires it.

Foreman—
how chosen.

SEC. 18. Each jury, after being thus empannelled, shall retire and choose their foreman, or shall make such choice upon retiring with the first cause with which they are charged; and whenever the foreman is absent or excused from further service, a new foreman shall be chosen in like manner.

SEC. 19. Nothing contained in the preceding Sections shall apply to the empannelling of juries in criminal cases; but the jurors shall be called, sworn and empannelled anew for the trial of each case, according to the established practice, and their foreman shall be appointed by the Court or by the jury when they retire to consider their verdict.

How insuffi-
ciency in ju-
ries to be sup-
plied.

SEC. 20. When, by reason of challenge, or otherwise, a sufficient number of jurors, duly drawn and summoned, cannot be obtained for the trial of any cause, civil or criminal, the Court shall cause jurors to be returned from the by-standers, or from the County at large, to complete the panel: Provided, That there are on the jury not less than seven of the jurors who were originally drawn and summoned, as before provided.

SEC. 21. The jurors so returned from the by-standers, or the County at large, shall be returned by the Sheriff, whose duty it shall be to be present during the entire term of sitting of any Court in their respective Counties, and shall be such as are qualified and liable to be drawn as jurors, according to the provisions of this Act.

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SEC. 22. The Court shall, on motion of either party in a suit, examine, on oath, any person who is called as a juror therein, to know whether he is related to either party, or has any interest in the cause, or has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the juror may introduce any other competent evidence in support of the objection. If it appears to the Court that the juror is not indifferent in the cause, he shall be placed aside as to the trial of that cause, another shall be called.

Jurors to be disinterested in cases laid before them.

SEC. 23. In indictments and penal actions for the recovery of a sum of money, or other thing forfeited, it shall not be a cause of challenge to a juror, that he is liable to pay taxes in any County, city or town, which may be benefitted by such recovery.

SEC. 24. If a party knows of any objection to a juror in season to propose it before the trial, and omits to do so, he shall not afterwards be allowed to make the same objection, unless by leave of the Court.

SEC. 25. No irregularity in any writ of *venire facias*, or in the drawing, summoning, returning or empannelling of jurors, shall be sufficient to set aside a verdict, unless the party making the objection was injured by the irregularity, or unless the objection was made before the returning of the verdict.

SEC. 26. If either party in a case in which a verdict is returned during the same term of the Court, before the trial, gives to any of the jurors who try the cause anything by way of treat or gratuity, the Court may, on the motion of the adverse party, set aside the verdict, and award a new trial of the cause.

Verdict, when set aside.

SEC. 27. When a jury, after due and thorough deliberation upon any cause, return into Court, without having agreed upon a verdict, the Court may state anew the evidence, or any part of it, and explain to them anew the law applicable to the case, and may send them out for further deliberation; but if they return a second time without having agreed upon a verdict, they shall not be sent out again without their own consent, unless they shall ask from the Court some further explanation of the law.

Jury not agreeing.

SEC. 27½. That the said Jury Commissioners, appointed by the Governor, shall receive for their services three dollars per day for every day's actual service, in performing the duties imposed by this Act, such number of days not to exceed the number of days the Court for such County shall be in session, together with five days to complete the list and draw the jurors, to be paid out of the Treasury of their respective Counties.

Compensation

SEC. 28. The jury in any case may, at the request of either party, be taken to view the place or premises in question, or any property, matter or thing relating to the controversy between the parties, when it appears to the Court that such view is necessary to a just decision: Provided, The party making the motion advances a sum sufficient to pay the actual expenses of the jury and the officers who attend them in taking the view, which expenses shall be afterwards taxed like other legal costs, if the party who advanced them prevails in the suit.

Jury may view place, property, or thing in question.

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Failure to
attend — pen-
alty.

SEC. 29. If a person duly drawn and summoned to attend as a juror in any Court neglects to attend, without sufficient excuse, he shall pay a fine not exceeding twenty dollars, which shall be imposed by the Court to which the juror was summoned, and shall be paid into the County Treasury.

SEC. 30. When, by neglect of any of the duties required by this Act to be performed by any of the officers or persons herein mentioned, the jurors to be returned from any place are not duly drawn and summoned to attend the Court, every person guilty of such neglect shall pay a fine not exceeding one hundred dollars, to be imposed by the same Court, to the use of the County in which the offence was committed.

Jury Com-
missioners
guilty of
fraud.

SEC. 31. If the Board of Jury Commissioners shall be guilty of fraud, either by practicing on the jury box previously to a draft, or in drawing a juror, or in returning into the jury box the name of any juror which had been lawfully drawn out, and drawing or substituting another in his stead, or in any other way in the drawing of jurors, he shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding two years in the State Penitentiary.

Penalty.

SEC. 32. Nothing contained in this Act shall effect the power and duty of Coroners, Justices of the Peace or Trial Justices, to summon and empanel jurors, when authorized by other provisions of law.

Grand Ju-
rors.

SEC. 33. The Clerk of the Court of General Sessions in each County, not less than fifteen days before the commencement of the first term of the Court in each year, shall issue writs of *venire facias* in each County for eighteen Grand Jurors to be returned to that Court, who shall be held to serve at each term thereof throughout the year, and until another Grand Jury is empanelled in their stead.

How drawn
and summon-
ed.

SEC. 34. Grand Jurors shall be drawn, summoned and returned in the same manner as jurors for trials, and, when drawn at the same time as jurors for trials, the persons whose names are first drawn, to the number required, shall be returned as Grand Jurors, and those afterwards drawn, to the number required, shall be jurors for trials.

SEC. 35. In case of deficiency of Grand Jurors in any Court, writs of *venire facias* may be issued to the Sheriff of the County, in which said Court is held, to return forthwith such further number of Grand Jurors from the by-standers, as may be required.

SEC. 36. No more than thirty-six persons to serve as Petit Jurors shall be drawn and summoned to attend, at one and the same time, at any Court, unless the Court shall otherwise order.

Challenges.

SEC. 37. That any person who shall hereafter be arraigned for the crime of murder, manslaughter, burglary, arson or rape, or grand larceny, shall be entitled to all the incidents of an arraignment, and to peremptory challenges, not exceeding twenty, and the State, in such cases, shall be entitled to peremptory challenges, not exceeding two, in the manner heretofore prescribed by law. And any person who shall be indicted for any crime or offence, other than those above enumerated, shall have the right to peremptory challenges of five, and the State, in such cases, shall be entitled to peremptory challenges, not exceeding two.

SEC. 38. That an Act entitled "An Act to regulate the manner of drawing jurors," approved the 26th day of September, A. D. 1868, and the Act entitled "An Act to amend an Act entitled 'An Act to regulate the drawing of jurors,'" approved the 23d day of March, 1869, and all other

Acts, or parts of Acts, in any way conflicting with the provisions of this Act, be, and the same are hereby, repealed.

A. D. 1871.

SEC. 39. That this Act shall take effect, and have the full power of law, from and after its passage.

Approved March 10, 1871.

AN ACT TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM PORTIONS OF THE COUNTIES OF BARNWELL, EDGEFIELD, LEXINGTON AND ORANGEBURG, TO BE KNOWN AS AIKEN COUNTY.

No. 420.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That a new Judicial and Election County, with its seat of justice located at the Town of Aiken, which County shall be known as Aiken County, shall be formed, and is hereby authorized to be formed, from portions of the present Counties of Barnwell, Edgefield, Lexington and Orangeburg, with the metes and bounds hereinafter described, to wit: commencing at the mouth of Fox's Creek, in Edgefield County, where it empties into Savannah River, thence in a straight line to where the South branch of Chiquopin Falls Creek, (a tributary of the North Edisto River) intersects the Edgefield and Lexington line; thence down said creek to where it empties into the North fork of the Edisto River, and down the said North fork to where the dividing line between Lexington and Orangeburg Counties (running from Big Beaver Creek to the North fork of the Edisto) touches said river; thence in a straight line to the head of Tinker's Creek, in Barnwell County; thence down said creek to where it empties into the Upper Three Runs, and down said Runs Creek to where it empties into the Savannah River; thence up the Savannah River to the initial point at the mouth of Fox's Creek.

Limits and boundaries of new County.

SEC. 2. That Frank Arnim, M. F. Maloney, P. R. Rivers, J. L. Jamison, E. Ferguson, J. N. Hayne, E. J. C. Wood, P. R. Rockwell, J. A. Greene, W. H. Reedish and B. Byas, be, and are hereby, appointed Commissioners to run out and properly make and define the said boundary lines, with the assistance of two (2) competent surveyors, to be selected by them.

Commissioners to run out boundaries.

SEC. 3. That S. J. Lee, Frank Arnim, P. R. Rivers, C. D. Hayne, John Wooley, E. J. C. Wood, J. N. Hayne, Levi Chavis, W. H. Reedish and J. H. Cornish, be, and are hereby, appointed Commissioners to provide suitable buildings for the several Courts and County officers, and to select and purchase, or procure sites for the usual public buildings, and to contract for and superintend the erection of the Court House and Jail thereon; and that said public buildings shall be built at the expense of the citizens of said County, and, to meet the said demands, a special tax on the assessed value of real and personal property in said County be levied.

Court House and County offices.

SEC. 4. That an election shall be held in the County of Aiken, as established by this Act, on the third Wednesday of October, A. D. 1872, for members of the General Assembly, and the regular County Officers provided for by the Constitution and laws of the State, and the officers

Election of officers.

A. D. 1871.

so elected shall, before entering upon the duties of their respective offices, be required to give bond, with sureties, as now is or may be required by law.

SEC. 5. That until the next apportionment of Representatives, the representation of the several Counties of this State affected by this Act shall remain as now established.

Territorial
jurisdiction
of officers, &c.

SEC. 6. That the County of Aiken be, and it is hereby, attached to the Third Congressional District, and shall form part and parcel of the Sixth Judicial Circuit, and that the regular terms of the Courts of General Sessions and Common Pleas shall be held in the Town of Aiken, on the second Monday of January, May and September of each year, and that the Justices of the Peace, Constables, in the several Counties affected by this Act, who shall be in office at the time this Act goes into effect, shall continue in office until their successors shall have been elected, and shall have qualified: Provided, however, That the Justices of the Peace and Constables now in office shall, from and after the time this Act goes into effect, be confined and limited in their official capacity, duty and power to the limits of their respective Counties, as altered by this Act, and the said officers residing in Aiken County shall, in like manner, be restricted in their official function to said County of Aiken.

Transfer of
suits in
Courts.

SEC. 7. That from and after the fourth day of October, A. D. 1872, all suits pending in the Courts of Barnwell, Edgefield, Lexington and Orangeburg, of which the defendants reside in those portions of the said Counties now established as the County of Aiken, and all indictments now pending in the Courts of said Counties, where the offence was committed in those parts of the said Counties now established as the County of Aiken, shall be transferred to the dockets of the Courts of the said County of Aiken, and all records, commissions, and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereunto appertaining, shall be transferred to the Clerk of the Court of the said County of Aiken, and all writs and other processes already issued and made returnable to the fall term of the Courts of Barnwell, Edgefield, Lexington and Orangeburg, where the defendants in the said cases reside in the parts of the said Counties now established as the County of Aiken, shall be as valid and effectual as though they had been issued to the fall term of the Court of the said County of Aiken; and the service of such processes by the Sheriff of any of the said Counties shall be as good and effectual as a service to the Fall Term of the Court of the said County of Aiken; and all such writs and processes shall be transferred by the Clerks of the Courts of the said Counties to the Clerk of the Court of the County of Aiken.

Jury lists.

SEC. 8. That the Board of Jury Commissioners of Barnwell, Edgefield, Lexington and Orangeburg Counties, be, and are hereby, required to prepare and furnish to the Board of Jury Commissioners of Aiken County, on or before the fourth Monday of October, 1872, separate lists of persons liable to serve as jurors, and residing in the limits of the said Counties, as altered by this Act. From the lists so furnished to the Board of Jury Commissioners of Aiken County shall be drawn, in accordance with law, the Petit and Grand Jurors, and talesmen of the Courts to be holden in Aiken County, in conformity with the provisions of this Act, and the jurors so drawn are hereby declared lawful jurors, to all intents and purposes.

Juries—how
drawn.

Approved March 10, 1871.

AN ACT TO CHARTER THE JACKSONBORO FERRY.

A. D. 1871.

No. 421.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the ferry formerly known as the Jacksonboro Ferry, across the Edisto River, shall be, and the same is hereby, established a public ferry, and vested in Thomas Grant, his heirs and assigns, for a term of seven years, with the privilege of collecting the following rates of toll, to wit: For each carriage and four horses, seventy-five cents; for each carriage and two horses, fifty cents; for each carriage and one horse, twenty-five cents; for horse and rider, fifteen cents; for each foot passenger, five cents; for each horse, five cents; for each head of cattle, five cents; for each head of sheep, goats, or hogs, two cents: Provided, That he shall have the said ferry fully established and in good working order within six months after the passage of this Act: And provided, further, That should the said Thomas Grant, in the exercise of the privileges conferred upon him by the foregoing charter, work damage or injury to any person using said ferry, through negligence or dereliction of duty, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit such chartered privileges.

Vested in
Thos. Grant.
Rates of fare.

Approved March 10, 1871.

AN ACT TO RENEW THE CHARTER OF THE FERRY KNOWN AS ASHEPOO FERRY.

No. 422.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter of the Ferry across Ashepoo River, and known as "Ashepoo Ferry," be, and the same is, renewed for the term of fourteen years, and is hereby vested in Nathaniel Heyward, his heirs, executors, administrators and assigns, for said term of fourteen years, together with all the rights, privileges and immunities heretofore incorporated in said charter.

Vested in N.
Heyward.

Approved March 10, 1871.

AN ACT TO AMEND SECTION 22 OF THE CODE OF PROCEDURE.

No. 423.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Section 22 of an Act entitled

A. D. 1871.

"An Act to revise, simplify and abridge the rules, practice, pleadings and forms of Courts in this State" be so amended as to read as follows:

SEC. 22. The Circuit Courts in the Fifth Circuit shall be held as follows:

Change of
time for hold-
ing Court in
Kershaw.

1. The Court of General Sessions at Camden, for the County of Kershaw, on the third Monday of January, April and September; and the Court of Common Pleas at Camden, for the County of Kershaw, on the first Thursday after the third Monday of January, April and September.

Richland.

2. The Court of General Sessions at Columbia, for the County of Richland, on the first Monday of February, May and October; and the Court of Common Pleas at Columbia, for the County of Richland, on the second Monday of February, May and October.

Lexington.

3. The Court of General Sessions at Lexington, for the County of Lexington, on the fourth Monday of February, May and October; and the Court of Common Pleas at Lexington, for the County of Lexington, on the first Wednesday after the fourth Monday of February, May and October.

Edgefield.

4. The Court of General Sessions at Edgefield, for the County of Edgefield, on the first Monday of March, June and November; and the Court of Common Pleas at Edgefield, for the County of Edgefield, on the second Monday of March, June and November.

SEC. 2. Section 18 of the Act mentioned in the third Section of this Act is hereby amended so as to read as follows:

Orangeburg.

The Court of General Sessions at Orangeburg, for the County of Orangeburg, on the first Monday of January, May and October; and the Court of Common Pleas at Orangeburg, for the County of Orangeburg, on the first Wednesday after the first Monday of January, May and October.

SEC. 3. That all writs and processes which shall have been made returnable to the Courts of any of the said Counties, according to the laws heretofore of force, shall be legal and valid, to all intents and purposes, for the Courts next to be held in the said Counties, respectively, according to the provisions of this Act; and all persons already summoned, or who may hereafter be summoned, to attend the Courts of any of the said Counties as jurors or witnesses, or who are now or hereafter shall be bound in recognizance to appear at any of the said Courts, according to the laws heretofore of force, shall be, and are hereby, required to attend or appear at the Courts of the said Counties, respectively, next to be held, according to the provisions of this Act.

Approved March 10, 1871.

A. D. 1870.

JOINT RESOLUTIONS.

JOINT RESOLUTION AUTHORIZING THE STATE LIBRARIAN TO , No. 1.
CAUSE TO BE PREPARED AN INDEX TO VOLUME XIV OF THE STATUTES OF THIS STATE.

Whereas, in binding the Statutes of the State of South Carolina at Large, designed to form the Fourteenth Volume, it becomes necessary that an index of contents be prepared for the same; therefore,

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Librarian be, and he is hereby, authorized to cause to be compiled an index of contents to the Fourteenth Volume of the Statutes of this State, at a cost not exceeding one hundred and ninety dollars.

SEC. 2. That the Treasurer of the State be, and he is hereby, authorized and directed to pay the amount, named in the preceding Section, out of any public funds not otherwise appropriated, on receipt of sufficient evidence of the completion of the work.

Approved December 19, 1870.

JOINT RESOLUTION AUTHORIZING AND DIRECTING THE STATE No. 2.
AUDITOR AND COUNTY COMMISSIONERS TO LEVY CERTAIN TAXES.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Auditor be, and he is hereby, authorized and directed to levy and cause to be collected a tax of nine (9) mills on a dollar of all taxable property in the State, to meet appropriations for the fiscal year 1870, and the County Commissioners of each of the Counties are hereby authorized to levy and cause to be collected a tax not exceeding three (3) mills on a dollar of all taxable property in their respective Counties for the fiscal year 1870, excepting the County Commissioners of Beaufort, Georgetown, Barnwell, Newberry, Pickens, Edgefield and Laurens Counties, who are hereby authorized to levy and cause to be collected a tax not exceeding four (4) mills on the dollar, and excepting the Counties of Clarendon, Darlington, Horry and Richland, who are hereby authorized to levy and collect a tax not exceeding five (5) mills on the dollar; two (2) mills of the said tax, so levied in Darlington County, shall be devoted to the completion of the Court House at Darlington, provided so much shall be necessary.

Approved December 23, 1870.

A. D. 1871.

No. 3.

JOINT RESOLUTION AUTHORIZING THE ATTORNEY-GENERAL TO EMPLOY ASSISTANCE IN CERTAIN SUITS NOW PENDING, AND MAKING AN APPROPRIATION FOR THE SAME.

Preamble.

Whereas, as appears by the Report of the State Auditor, the South Carolina, Northeastern, Cheraw and Darlington Railroad Companies have procured suits to be brought against themselves in the United States Circuit Court, for the purpose of contesting the right of the State to tax their property; and whereas, it is to the interest of the State that a speedy decision of these suits shall be reached; therefore,

May employ assistance.

\$5,000 appropriated.

How paid.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Attorney-General be, and he is hereby, authorized to employ such assistance as he may need in defending the interest of the State in these suits; and, to pay for such assistance, five thousand dollars, if so much be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; the accounts to be audited by the State Auditor, and paid upon the warrant of the Comptroller-General.

Approved December 23, 1870.

No. 4. JOINT RESOLUTION AUTHORIZING THE STATE AUDITOR TO SUSPEND PROCEEDINGS IN CERTAIN CASES.

State Auditor to stay proceedings against certain railroad companies.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Auditor be, and is hereby, authorized and instructed to suspend all proceedings under the Act to provide for the assessment and taxation of property, passed 15th day of September, 1868, relative to the assessment and taxation of the South Carolina, Northeastern, and Cheraw and Darlington Railroad Companies, until the suits brought by the said Companies in the United States Circuit Court shall have been decided.

Approved January 14, 1871.

No. 5. JOINT RESOLUTION AUTHORIZING THE COUNTY COMMISSIONERS OF WILLIAMSBURG COUNTY TO LEVY A SPECIAL TAX.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That, in addition to the tax heretofore authorized

to be levied, the County Commissioners of Williamsburg County are hereby authorized to levy and cause to be collected a special tax of two (2) mills on a dollar, the same to be used exclusively for the purpose of rebuilding the jail in the said County.

A. D. 1871.

Tax of two
mills on a
dollar.

Approved January 19, 1871.

**JOINT RESOLUTION AUTHORIZING THE COUNTY COMMISSIONERS OF
OCONEE COUNTY TO LEVY A SPECIAL TAX.**

No. 6.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That, in addition to the tax heretofore authorized to be levied, the County Commissioners of Oconee County are hereby authorized to levy and cause to be collected a special tax of one mill on a dollar, the same to be used exclusively to paying the indebtedness of the County.

Tax of one
mill on a dol-
lar.

Approved January 23, 1871.

**JOINT RESOLUTION FOR THE RELIEF OF SAMUEL COCHRAN,
THOMAS COCHRAN, ELIZABETH COCHRAN, JULIANA IRVINE, ISA-
BELLA IRVINE AND HENRIETTA IRVINE.**

No. 7.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That any and all property, real or personal, of the late Juliana Izard, deceased, now in the possession, or under the control, of B. C. Pressley, Esq., of Charleston, South Carolina, Executor of the last will and testament of said Juliana Izard, deceased, be distributed and disposed of according to the true intent and purpose of the said Juliana Izard, as indicated in the last will and testament, and that the right of the State to said property be, and the same hereby is, released.

Will and tes-
tament of Ju-
liana Izard to
be executed
according to
its true intent

Approved January 26, 1871.

**JOINT RESOLUTION AUTHORIZING THE EXECUTIVE TO COMMISSION
RIDLEY K. CARLTON AS CORONER OF BEAUFORT COUNTY.**

No. 8.

Whereas, Elisha P. Hutchinson, elected Coroner of Beaufort County for four years, ending October, 1872, has removed his residence to a for-

Preamble.

A. D. 1871.

eign country, to wit: Germany, without duly filing his letter of resignation of his office, and the said office has remained vacant from and after March, 1870; and whereas, notwithstanding due proclamation was not made previous to the late general election, that a vacancy existed in the said office of Coroner in said County, the people did proceed to vote for Coroner, and Ridley K. Carlton was afterwards declared by the Board of County Canvassers to have received the highest number of votes for Coroner of said County;

Executive
to commis-
sion Cor-
oner of Beau-
fort County

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Ridley K. Carlton, elected Coroner of Beaufort County at the general election of October 19th, 1870, be commissioned by the Executive of South Carolina as Coroner, to fill the unexpired term of Elisha P. Hutchinson.

Approved February 11, 1871.

No. 9. JOINT RESOLUTION TO AUTHORIZE THE STATE LIBRARIAN TO PURCHASE CERTAIN VOLUMES OF STATE REPORTS.

\$500 appro-
priated.

Resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Librarian of the State Legislative Library be, and he is hereby, authorized to purchase, for the use of the Library, such Volumes of State Reports, both of Law and Equity, as will complete one whole set of the same, including the necessary Digests, and that five hundred dollars be appropriated for the payment thereof, if so much be necessary.

Approved March 1, 1871.

No. 10. JOINT RESOLUTION ORDERING THAT THE HON. JAMES L. ORR, JUDGE OF THE EIGHTH JUDICIAL CIRCUIT, BE ALLOWED EXTRA COMPENSATION FOR HOLDING EXTRA COURTS.

\$800 appro-
priated.

Resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Hon. James L. Orr, Judge of the Eighth Judicial Circuit, be allowed an extra compensation of eight hundred (800) dollars, for holding extra Courts thirteen weeks in the Counties of Edgefield, Abbeville, Newberry, Laurens and Spartanburg, which said Counties were not included in his Circuit.

Approved March 1, 1871.

JOINT RESOLUTION DIRECTING THAT FUNDS KNOWN AS "CANBY SCHOOL FUND" REMAINING IN HANDS OF COUNTY TREASURERS BE APPROPRIATED TO THE FREE SCHOOL FUND.

A. D. 1871.

No. 11.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That such sums of the appropriation of \$25,000 for the support of Free Schools for the year commencing October 31, 1867, and ending October 31, 1868, and known as the "Canby Fund," now remaining in the hands of the several County Treasurers, be, and the same is hereby, appropriated for the payment of teachers' claims in the several Counties, for the fiscal year commencing November 1, 1869, and any unexpended balance of the same shall be applied to the Free School Fund of said Counties.

Appropriated for payment of teachers' claims.

Approved March 1, 1871.

JOINT RESOLUTION TO PROVIDE FOR THE PAYMENT OF MILEAGE CERTIFICATES OF MEMBERS OF THE STATE BOARD OF EDUCATION OF THE STATE OF SOUTH CAROLINA.

No. 12.

Whereas Section 2 of an Act entitled "An Act to establish and maintain a system of Free Common Schools for the State of South Carolina," approved February 16, 1870, distinctly sets forth that members of the State Board of Education of the State of South Carolina shall be entitled to receive a mileage at the rate of twenty (20) cents per mile, going to and returning from the meetings of the said State Board of Education, to be paid by the State Treasurer on presentation of a certificate signed by the Chairman and Secretary of the Board aforesaid; and whereas meetings of the said State Board of Education have been held in the city of Columbia, namely: on the sixteenth, seventeenth and eighteenth days of March, 1870, and on the fifth, sixth and seventh days of October, 1870; and whereas certificates of mileage, properly made out and signed by the Chairman and Secretary of the Board, were issued to members in attendance at the said meetings of the said State Board of Education; and whereas the State Treasurer refused to cash said certificates of mileage, when presented to him for payment, giving as his reason that no specific appropriation had been made for that purpose; and whereas, of the appropriation of twenty thousand (20,000) dollars for the pay of County School Commissioners, as specified in Section 4 of an Act entitled "An Act to make appropriations and raise supplies for the year commencing in October, one thousand eight hundred and sixty-eight," approved March 23, 1869, there remains in the State Treasury an unexpended balance of four thousand eight hundred and twenty-two (4,822) dollars and forty-one (41) cents; therefore,

Preamble.

A. D. 1871.

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the aforesaid balance of four thousand eight hundred and twenty-two (4,822) dollars and forty-one (41) cents, remaining and unexpended, of the appropriation of twenty thousand (20,000) dollars, for the pay of County School Commissioners, for the fiscal year ending October 31, 1869, be, and the same is hereby, appropriated and set apart for the payment of mileage certificates of members of the State Board of Education of the State of South Carolina, and the same shall be applied by the State Treasurer for the payment of the mileage certificates aforesaid.

Payment of
certificates.

SEC. 2. That this Joint Resolution shall take effect from its passage.

Approved March 1, 1871.

No. 13. JOINT RESOLUTION AUTHORIZING A. R. TAYLOR, HENRY ARTHUR AND OTHERS, OF LEXINGTON COUNTY, TO CONTINUE, FOR A TERM OF TWO YEARS, TWO GATES ERECTED BY THEM ACROSS THE OLD STATE ROAD, IN SAID COUNTY, AT THE BEGINNING AND TERMINUS OF THEIR PLANTING LANDS.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That A. R. Taylor, Henry Arthur and others, of the County of Lexington, be, and they are hereby, authorized to continue, for a term of two years, two gates erected by them across the Old State Road, in said County, at the beginning and terminus of their planting lands.

May erect
gates.

Approved March 2, 1871.

No. 14. JOINT RESOLUTION TO PROVIDE FOR THE PUBLICATION OF THE DECISIONS OF THE SUPREME COURT, DELIVERED DURING THE YEARS 1868, 1869 AND 1870

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Justices of the Supreme Court be authorized to contract with the Hon. J. S. G. Richardson, of Sumter, South Carolina, to prepare for publication, and superintend the same, the decisions of the Supreme Court delivered during the years of 1868, 1869 and 1870, now on file, at a price not exceeding one thousand dollars, and the printing of said decisions shall be done by the Republican Printing Company.

J. S. G. Richardson to
prepare decisions.\$1,000 appro-
priated for
work.

SEC. 2. That William Hutson Wigg, late Reporter of the Supreme Court, on demand of the Honorable J. S. G. Richardson, after the making of the contract in the first Section provided for, deliver to said Richardson the certified copies of the decisions of the Supreme Court furnished him by the Clerk of the Supreme Court, during his term of office, and all other papers relative to said decisions, coming to him by virtue of his office.

A. D. 1871.

Reporter of the Supreme Court to deliver all papers in his possession relating thereto

Approved March 2, 1871.

JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO RE-ISSUE TO JOHN PHILLIPS, EXECUTOR OF JOHN CAMPBELL, DECEASED, CERTAIN CERTIFICATES OF STATE STOCK.

No. 15.

Whereas, it appears by the books of the State Treasurer, that there has been duly issued certain certificates of State Stock, to the amount of five thousand six hundred and sixty dollars (\$5,660) to John Phillips, Executor of John Campbell, deceased; and whereas, said stock was lost or destroyed at the burning of Columbia, in February, 1865; and whereas, it is equitable and just that the stock should be renewed on the part of the State; therefore,

Preamble.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to re-issue to the said John Phillips, Executor of John Campbell, deceased, certificates of stock of the same amount, payable at the same time, and bearing the same rate of interest as those lost or destroyed; and that the said John Phillips is hereby required to deposit with the State Treasurer a bond, legally executed, in the penal sum of eleven thousand three hundred and twenty dollars, (\$11,320), to indemnify the State against loss.

Treasurer to reissue stocks.

Bond to be deposited in State Treasury.

Approved March 2, 1871.

JOINT RESOLUTION MAKING AN APPROPRIATION OF FORTY-SEVEN THOUSAND DOLLARS FOR THE COMPLETION OF THE STATE LUNATIC ASYLUM, AND FOR OTHER PURPOSES.

No. 16.

SECTION 1. *Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of forty thousand dol-

A. D. 1871.
 \$40,000 for
 unfinished
 wing.

lars (\$40,000) be, and the same is hereby, appropriated, if so much be necessary, to complete the unfinished wing of the State Lunatic Asylum: Provided, That a contract shall be entered into between the Board of Regents and the contractor, specifying definitely the work to be done, and the manner of doing the same, and the said contract to be approved according to law, before any portion of the appropriation is paid.

\$5,000 for
 furniture.

SEC. 2. That the sum of five thousand dollars (\$5,000) be, and the same is hereby, appropriated to purchase furniture for the building known as the "New Asylum," and to refurnish the "Old Asylum."

\$2,000 for
 heating appa-
 ratus.

SEC. 3. That the sum of two thousand dollars (\$2,000) be, and the same is hereby, appropriated for the purpose of building chimneys and furnishing stoves for heating the "Old Asylum."

How paid.

SEC. 4. That the above appropriation of forty-seven thousand dollars shall be paid by the State Treasurer, upon the order of the Board of Regents of the State Lunatic Asylum, approved by the Governor, and the said orders shall be vouchers for the same.

Approved March 6, 1871.

No. 17. JOINT RESOLUTION AUTHORIZING THE STATE AUDITOR AND COUNTY COMMISSIONERS TO LEVY CERTAIN TAXES.

State Audi-
 tor shall levy
 seven mills.

County Com-
 missioners
 shall levy
 three mills.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Auditor be, and he is hereby, authorized and directed to levy, and cause to be collected, a tax not exceeding seven (7) mills on a dollar on all taxable property in the State, to meet appropriations for the fiscal year 1871; and the County Commissioners of the several Counties in the State are hereby authorized to levy, and cause to be collected, a tax not to exceed three (3) mills on a dollar on the taxable property in the respective Counties, for the fiscal year 1871.

Approved March 7, 1871.

No. 18. JOINT RESOLUTION TO CONFIRM THE APPORTIONMENT MADE BY THE SUPERINTENDENT OF EDUCATION OF THE STATE OF SOUTH CAROLINA OF THE FREE SCHOOL FUND, FOR THE FISCAL YEAR ENDING OCTOBER 31, 1869.

Preamble.

Whereas, the Superintendent of Education of the State of South Carolina, in the adjustment of teachers' claims, for services rendered during

or within the fiscal year commencing November 1, 1868, and ending October 31, 1869, did apportion the Free School fund for the fiscal year aforesaid, (said fund consisting of \$50,000, in addition to the amount raised by capitation tax,) among the several Counties, according to the plan specified in Section 6 of an Act to make appropriation and raise supplies for the fiscal year commencing November 1, 1869; therefore,

A. D. 1871.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the apportionment made by said Superintendent of Education of the State of South Carolina be, and the same is hereby, confirmed.

Apportionment confirmed.

Approved March 7, 1871.

JOINT RESOLUTION TO AUTHORIZE STATE TREASURER TO RE-ISSUE TO W. B. PRINGLE, EXECUTOR OF MRS. BERTHA SKIRVING, CERTIFICATE OF STATE STOCK.

No. 19.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer be, and he is hereby, authorized to re-issue to W. B. Pringle, Executor of Mrs. Bertha Skirving, deceased, certificate of State stock, of the same amount, payable at the same time, bearing the same interest, as those lost or destroyed, (certificate 19, issue of 1856, for construction of a new State Capitol, for \$950,) and that the said W. B. Pringle is hereby required to deposit with the State Treasurer a bond, legally executed, in the penal sum of one thousand nine hundred dollars, to indemnify the State against loss.

Treasurer to re-issue stock to W. B. Pringle.

Bond to be deposited in Treasury.

Approved March 7, 1871.

**JOINT RESOLUTION DIRECTING PART OF A CERTAIN TAX TO BE DEVOTED TO THE ERECTION OF A COURT HOUSE AND JAIL IN MAN-
NING.**

No. 20.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That two mills of the tax which the County Commissioners of the County of Clarendon are authorized to levy and collect

Two mills reserved.

A. D. 1871.

for the fiscal year 1870, shall be devoted to the erection of a Court House and Jail at Manning: Provided, So much shall be necessary.

Approved March 7, 1871.

No. 21. JOINT RESOLUTION AUTHORIZING THE STATE TREASURER TO RE-ISSUE STOCK OF THE STATE OF SOUTH CAROLINA.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Treasurer is hereby authorized and directed to issue certificates of State of South Carolina Stock No 53, for \$3,000, due July 1st, 1870, interest 6 per cent.; No 72, for \$1,000, due August 4, 1870, interest 6 per cent., to Rinah S. Cohen, Executrix of S. T. Cohen.

Treasurer to
issue certifi-
cate of stock.

Approved March 9, 1871.

No. 22. JOINT RESOLUTION AUTHORIZING THE ATTORNEY-GENERAL TO PURCHASE A FIRE PROOF SAFE FOR THE USE OF THE ATTORNEY-GENERAL'S OFFICE.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Attorney-General be, and he is hereby, authorized to purchase a fire proof safe for the use of the Attorney-General's office, at a cost of not more than eight hundred dollars.

\$800 appro-
priated.

Approved March 9, 1871.

No. 23. JOINT RESOLUTION TO PAY WILLIAM B. TIMMONS TWO HUNDRED AND THIRTY-THREE DOLLARS AND FORTY-FOUR CENTS.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of two hundred and thirty-three dollars and forty-four cents be, and the same is hereby, authorized to be paid

to William B Timmons, late Sheriff of Darlington County, for the transportation of prisoners from Darlington Court House to Marion Jail, and for dieting the said prisoners while en route; the same to be paid by the State Treasurer on the order of the Governor.

Approved March 9, 1871.

A. D. 1871.

JOINT RESOLUTION TO EXTEND THE TIME FOR THE COMPLETION OF THE PORT ROYAL RAILROAD. No. 24.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the time for the completion of the Port Royal Railroad, and every part thereof, is hereby extended for the period of two years from the passage of this Resolution.

Time extended two years

Approved March 9, 1871.

JOINT RESOLUTION TO AUTHORIZE THE COUNTY COMMISSIONERS OF KERSHAW COUNTY TO LEVY A SPECIAL TAX, FOR THE PURPOSE OF BUILDING A COUNTY JAIL. No. 25.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the County Commissioners of Kershaw County be, and they are hereby, authorized to levy a special tax of two mills on the dollar upon the assessed value of the real and personal property in said County, for the purpose of erecting a County jail at Camden.

May levy two mills on dollar.

Approved March 9, 1871.

JOINT RESOLUTION DIRECTING THE STATE TREASURER TO REFUND MESSRS. RISLEY & CREIGHTON SIX HUNDRED AND THREE DOLLARS AND SEVENTY-EIGHT CENTS, TAXES OVERPAID BY THEM. No. 26.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the

A. D. 1871.

authority of the same, That the State Treasurer be, and he is hereby, directed to refund to Messrs. Risley & Creighton, or either of them, the sum of six hundred and three dollars and seventy-eight cents, being the amount of taxes overpaid by them.

Approved March 9, 1871.

No. 27. JOINT RESOLUTION TO ALLOW J. M. PLOWDEN, OF CLARENDON COUNTY, TO REDEEM CERTAIN FORFEITED LANDS.

Redemption
of certain
lands.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That J. M. Plowden, of the County of Clarendon, be, and he is hereby, allowed to redeem certain lands formerly owned by him, in said County, consisting of 387 acres, more or less, which have become forfeited to the State, by virtue of the non-payment of taxes, and the want of bidders at the sale of the same, on condition that he shall pay over to the County Treasurer of Clarendon County, all taxes, penalties and costs which are due upon the same, after which the County Auditor shall expunge the said lands from the forfeited land record of the County of Clarendon.

Approved March 9, 1871.

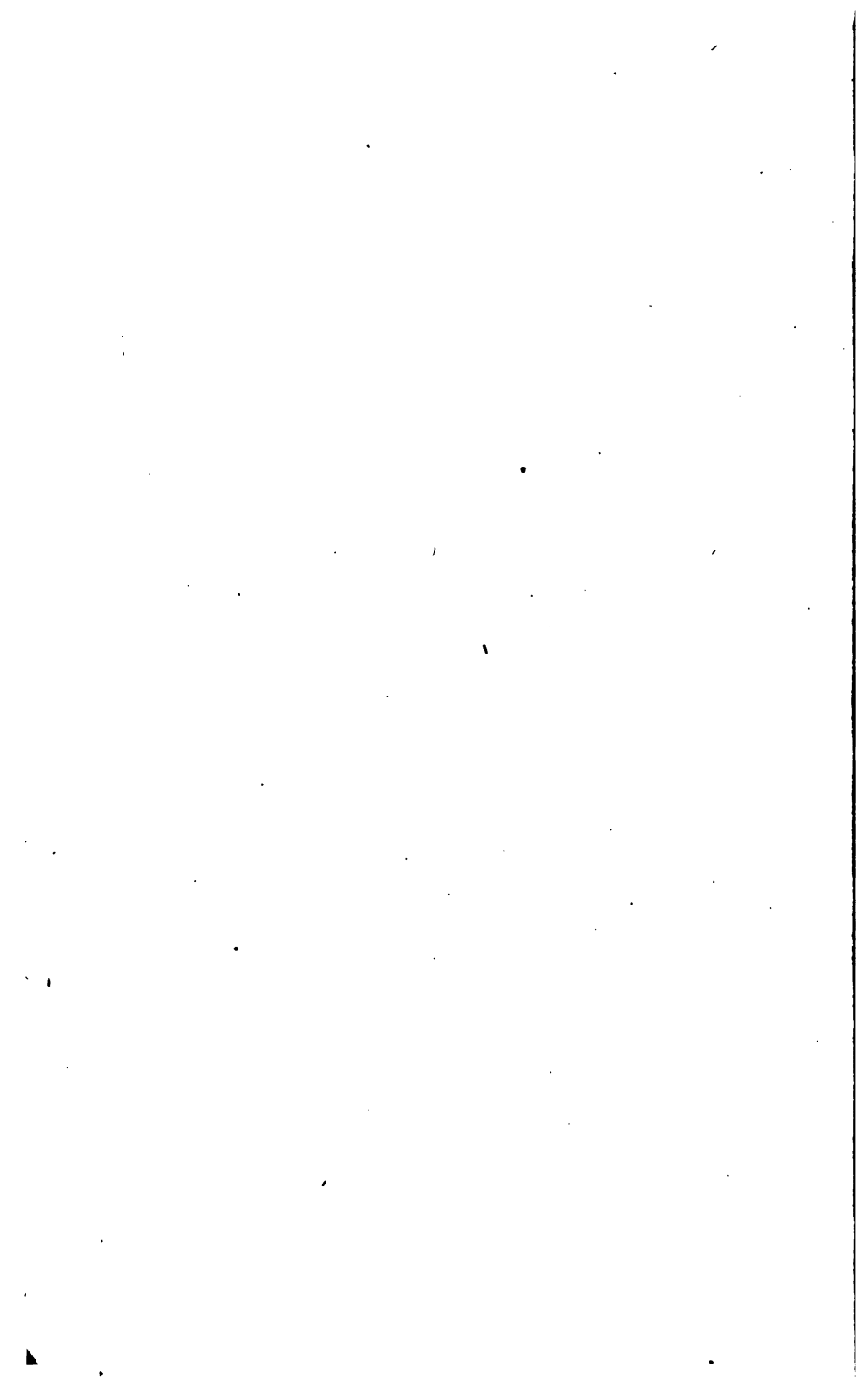
No. 28. JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO CONTRACT WITH THE SOUTHERN DOMESTIC GAS LIGHT COMPANY FOR THE ILLUMINATION OF THE STATE HOUSE AND PUBLIC OFFICES THEREIN.

Illumina-
tion of State
House.

Be it resolved by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of State be, and he is hereby, authorized and required to contract immediately with the Southern Domestic Gas Light Company for the construction and application of one of Doty's gas generators, for the purpose of illuminating the State House and public offices thereof, the cost therefor not to exceed two thousand dollars, and to be paid, upon the order of said Secretary of State, out of any moneys in the Treasury not otherwise appropriated.

Approved March 10, 1871.

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